STATE-MINORITY CONTESTATIONS
IN POST-COLONIAL SRI LANKA

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STATE-MINORITY CONTESTATIONS
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ABSTRACT

Sri Lanka is known worldwide for the civil war that has ravaged this country over the last three decades. The Liberation Tigers of Tamil Eelam (LTTE) was organised to be the leading Tamil militant social force and to wage war against the government to form a separate state in the northern and eastern regions of Sri Lanka. After the government ended both the separatist struggle of the LTTE and the civil war in May 2009, the protracted and destructive 30-year war should have created an opportunity for both state and society to learn the lessons of the long war. These lessons should have enabled them to reconstitute the state as an inclusive institution, one that minorities could also participate in to ensure just and equitable development for all Sri Lankans. This research aims to answer the following key questions: What are the factors that contributed to the failure of the strong minority social force that was formed to reconstitute and create a new, inclusive state? What are the key lessons for the state and the Tamil minority group that can be derived from the civil war that ended in 2009? Why has the state not responded with inclusive policies to prevent another major contestation? This study uses a qualitative research method that involves critical categories of analysis. The state, society, and international categories were selected for assessment through a purposive sampling of information-rich cases. Migdal's theory of state-in-society was applied because it provides an effective conceptual framework to analyse and explain the data. The results indicate that the unitary state structure and discriminatory policies contributed to the formation of a minority militant social force. In the context of Sri Lanka, this social force challenged the state's sovereignty and control of substantial land areas, occupied these minority-dominant territories and introduced security, administrative, and financial systems to support these people. The strong leadership that assumed the presidency of the

state, the strengthening of security forces, and subsequent implementation of sophisticated security strategies, as well as factions among elites of the social force and the global war on terrorism, are major factors that contributed to the defeat of the LTTE in 2009. This defeat has appreciably weakened the Tamil minority. The state-in-society approach argues that a weak society will encounter difficulty transforming and reconstituting a strong state, which is a pivotal question in the present context of Sri Lanka. While both state and society learnt lessons from the protracted and destructive war about the need to avoid future contestations, lack of elite consensus among members of the majority ethnic group, influence of radical movements, existence of a strong but unstable state, and lack of unity among minority sociopolitical movements are factors that hindered the introduction of inclusive policies. Interestingly, this study also reveals that contestations between different social forces within society, within the state, and between the state and society in Sri Lanka still prevail, hampering the promulgation of inclusive policies. This study concludes that inclusive policies are imperative to end state minority contestations in Sri Lanka.

Keywords: contestations, majority Sinhalese, minority Tamils, society, state

PERSAINGAN KERAJAAN-MINORITI DI SRI LANKA SELEPAS KOLONIALISME

ABSTRAK

Sri Lanka dikenali di seluruh dunia dengan perang saudara yang melanda negara ini selama tiga dekad. Harimau Pembebasan Tamil Eelam (LTTE) ditubuhkan untuk mengetuai kuasa sosial militan Tamil dan menentang kerajaan dalam membentuk sebuah negara yang mengasingkan kawasan utara dan timur Sri Lanka. Selepas kerajaan menamatkan perjuangan kumpulan pemisah LTTE dan perang saudara pada Mei 2009, kedua-dua pihak kerajaan dan masyarakat seharusnya dapat mempelajari sesuatu daripada peperangan selama 30 tahun yang berlarutan dan memusnahkan ini. Pengajaran ini sepatutnya membolehkan mereka menyusun semula negara tersebut sebagai sebuah institusi yang inklusif, di mana golongan minoriti juga boleh mengambil bahagian dalam memastikan pembangunan yang adil dan saksama untuk semua penduduk Sri Lanka. Kajian ini bertujuan untuk menjawab soalan-soalan utama yang berikut: Apakah faktor-faktor yang menyumbang kepada kegagalan kuasa sosial minoriti yang ditubuhkan untuk menyusun semula dan membangunkan sebuah negara baharu yang inklusif? Apakah pengajaran utama yang diperolehi oleh kerajaan dan kumpulan minoriti Tamil daripada perang saudara yang berakhir pada tahun 2009? Mengapakah kerajaan tidak bertindak balas dengan dasar inklusif untuk mengelakkan berlakunya lagi pertelingkahan? Kajian ini menggunakan kaedah penyelidikan kualitatif yang melibatkan analisis kritikal terhadap kategori-kategori yang utama. Kategori kerajaan, masyarakat dan antarabangsa telah dikenal pasti berdasarkan kaedah persampelan bertujuan dengan kes maklumat yang kaya. Teori kerajaan-dalam-masyarakat Migdal digunakan kerana ia menyediakan rangka kerja konsep yang efektif untuk menganalisis dan menjelaskan data. Data menunjukkan bahawa struktur negara yang bersatu dan dasar diskriminasi menyumbang kepada pembentukan kuasa sosial militan minoriti. Dalam konteks Sri Lanka, kuasa sosial ini

mencabar kedaulatan dan kawalan kerajaan atas tanah yang luas, menduduki wilayah dominan minoriti dan memperkenalkan keselamatan, pentadbiran dan sistem kewangan untuk menyokong masyarakat di sini. Kepimpinan presiden yang kukuh, pengukuhan pasukan keselamatan, pelaksanaan strategi keselamatan yang canggih, puak-puak di kalangan golongan elit dari kuasa sosial serta perang global menentang keganasan merupakan faktor-faktor utama yang menyumbang kepada kekalahan LTTE pada tahun 2009. Kekalahan ini telah melemahkan minoriti Tamil dengan ketara. Pendekatan kerajaan-dalam-masyarakat menyatakan bahawa masyarakat yang lemah akan menghadapi kesukaran untuk mengubah dan menyusun semula kerajaan yang kuat, dan ini merupakan soalan yang sangat penting dalam konteks Sri Lanka pada masa ini. Walaupun kedua-dua kerajaan dan masyarakat dalam peperangan yang lalu telah mempelajari kepentingan untuk mengelakkan pertelingkahan di masa hadapan, akan tetapi kekurangan konsensus elit di kalangan kumpulan etnik yang majoriti, pengaruh pergerakan radikal, kewujudan kerajaan yang kuat tetapi tidak stabil, dan kekurangan perpaduan di kalangan pergerakan sosiopolitik minoriti merupakan faktor-faktor yang menghalang perkenalan dasar inklusif. Yang menarik, kajian ini juga menunjukkan bahawa masih terdapat pertelingkahan antara kuasa sosial yang berbeza di dalam masyarakat, dalam kerajaan, dan di antara kerajaan dan masyarakat di Sri Lanka, dan ini telah menghalang pengisytiharaan dasar inklusif. Kajian ini menyimpulkan bahawa dasar inklusif penting untuk menamatkan pertelingkahan kerajaan-minoriti di Sri Lanka.

Kata kunci: pertelingkahan, majoriti Sinhala, minoriti Tamil, masyarakat, kerajaan

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LIST OF SYMBOLS AND ABBREVIATIONS

ACMC : All Ceylon Muslim Congress

ANC : African National Congress

APRC : Asia Pacific Defense Reporter

BBS : Bodu Bala Sena

BCE : Before Common Era

CA : Constitutional Assembly

CD : Compact Disc

CFA : Cease Fire Agreement

CGE : Central Governing Committee

CHOGM : Commonwealths Head of Governments Meeting

CID : Criminal Investigation Department

CM : Chief Minister

CNC : Ceylon National Congress

COIN : Counter Insurgency tactics

CPA : Centre for Policy Alternatives

CPO : Casual Process Observation

CPSL : Communist Party of Sri Lanka

CTC : Counter-Terrorism Committee

CWC : Ceylon Workers' Congress

DIRCO : Department of International Relations and Cooperation

DLF : Democratic Left Front

DPF : Democratic People's Front

EPDP : Eelam People's Democratic Party

EPRLF : Eelam People's Revolutionary Liberation Front

EROS	:	Ealam Revolutionary Organization of Student
EU	:	European Union
FBI	:	American Federal Bureau of Investigation
FP	:	Federal Party
FPP	:	First Past the Post
GDP	:	National Gross Domestic Product
GOSL	:	Government of Sri Lanka
GWOT	:	Global War on Terror
HRC	:	Human Rights Council
HRW	:	Human Rights Watch
IBA	:	International Bar Association
IBAHRI	:	International Bar Association's Human Rights Institute
IC	:	International Community
ICG	:	International Crisis Group
IDMC	:	Internal Displacement Monitoring Centre
IDPs	:	Internally Displaced People
IFT	:	International Federation of Tamils
IGO	:	Inter-governmental Organization
INGO	:	International Non-governmental Organization
IPKF	:	Indian Peace Keeping Force
ISGA	:	Interim Self-Governing Authority
ITAK	:	Illankai Tamil Arasu Kadchi
JHU	:	Jathika Hela Urumaya (Sinhala National Heritage Party)
JNP	:	Jathika Nidahas Peramuna
JVP	:	Janatha Vimukthi Peramuna (People's Liberation Front)
LLRC	:	Lessons Learnt and Reconciliation Commission

LTTE	:	Liberation Tigers of Tamil Eelam
MEP	:	Mahajana Eksath Peramuna (People's United Front)
MOFA	:	Ministry of Foreign Affairs
MOU	:	Memorandum of Understanding
MP	:	Member of Parliament
NFF	:	National Freedom Front
NFZ	:	No-Fire Zone
NGOs	:	Non-Government Organizations
NPA	:	National Plan of Action
NPC	:	Northern Provincial Council
PHU	:	Pivithuru Hela Urumaya
PLOTE	:	People's Liberation Organization of Tamil Eelam
PSC	:	Parliamentary Select Committee
RMAs	:	Revaluation in Military Affairs
SIOT	:	Special Infantry Operations Teams
SJB	:	Sinhale Jathika Balamuluwa
SLA	:	Sri Lanka Army
SLFP	:	Sri Lanka Freedom Party
SLMC	:	Sri Lanka Muslim Congress
SLMM	:	Sri Lanka Monitoring Mission
SLN	:	Sri Lanka Navy
SLSF	:	Sri Lanka Security Forces
SR	:	Sinhala Ravaya
TCHR	:	Tamil Centre for Human Rights
TELO	:	Tamil Eelam Liberation Organization
TGTE	:	Transnational Government of Tamil Eelam

TID	:	Terrorism Investigation Department
TMVP	:	Tamil Makkal Viduthali Puligal (Tamil People's Liberation Tigers)
TNA	:	Tamil National Alliance
TNPF	:	Tamil National People's Front
TOSIS	:	Tiger Organization Security Intelligence Service
TPC	:	Tamil People's Council
TRO	:	Tamil Rehabilitation Organization
TULF	:	Tamil United Liberation Front
UNHRC	:	United Nations Human Rights Council
UK	:	United Kingdom
UN	:	United Nations
UNFGG	:	United National Front For Good Governance
UNHRC	:	United Nations Human Rights Council
UNP	:	United National Party
UNSC	:	United Nations Security Council
UPF	:	Up-country People's Front
UPFA	:	United People's Freedom Alliance
USA	:	United States of America

LIST OF APPENDICES

CHAPTER 1: INTRODUCTION

1.1   Setting of the Context

Sri Lanka is home to a plural society.[1] With a centralised unitary model as the structure of the state, the country has witnessed perpetual power-based contestations between the state and minority groups during the post-colonial period. A defining issue in these contestations is that the larger segment of the society, the majority ethnic Sinhalese, constituted a part of the state, but the Tamil minority were discriminated through state policies and excluded from mainstream politics. Tamil political elites proposed a federal state model to avoid being disadvantaged by the existing centralised unitary state (Kearny, 1967; Wilson, 1988, 2000; Orjuela, 2004; Manogran, 2008; Uyangoda, 2012).[2] In response to these demands, state institutions were challenged by the social forces of the majority ethnic group, the Sinhalese, when solutions were sought on how to reconstitute the state.

Rivalry for power domination in politics among Sinhalese elites also drove political parties such as the United National Party (UNP) and Sri Lanka Freedom Party (SLFP), to promote hardline "Sinhala-only" nationalist ideas, striving to capitalise on the voting tendency of this majority ethnic group (Uyangoda, 2007). Political contestations of this nature have also been a cause of regression in reconstituting the state in attempts to devolve power. Such contestations culminated in secessionist demands by the Tamils, including through military-type social forces[3] funded by a well-organised Tamil diaspora

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[1] The Sri Lanka census of 2012 divided the population into Sinhalese (74.9), Sri Lanka Tamils (11.2), Indian Tamils (4.1), Sri Lanka Moors (9.3), and others (0.5) (Department of Census, 2012, p. 20).

[2] State–society contestations began when Tamil political elites demanded a reconstitution of the unitary constitution of Sri Lanka to gain regional autonomy from the North and East (Kearny, 1967; Wilson, 1988 & 2000; Orjuela, 2004; Manogran, 2008; Uyangoda, 2012). Six decades have passed, yet this state reconstitution attempt remains a controversial project in the Sri Lankan political arena.

[3] By the mid-1970s, Tamil politicians shifted from supporting federalism to demanding a separate Tamil state or "Tamil Eelam" in northern and eastern Sri Lanka, areas of traditional Tamil settlement. In the 1977 elections, the Tamil United Liberation Front (TULF) won all the seats in Tamil areas on a separatism platform (US Department of State, 2006, as cited in Fazil, 2016). Other groups, particularly the Liberation Tigers of Tamil Eelam (LTTE or Tamil Tigers) sought to establish an independent state through military

(Orjuela, 2016)[4] in Europe and North America as well as the government of India. Thus, post-colonial Sri Lankan politics can be described as contestations between majoritarian state and minority social forces.

The theoretical literature on the state-in-society approach, which elaborates on how state and society transform and constitute each other, provides crucial insights into explaining these state–minority contestations in Sri Lanka. Presently, the post-war politics of Sri Lanka warrants exploration because of the inadequate studies on Sri Lankan politics, including the contestations between the majoritarian state and Tamil minority (social forces). A comprehensive study is essential to examine how contestations arose between the majoritarian state and minority social forces and their consequences for Sri Lanka. The primary objective of this study is to analyse the state–minority contestations, as well as the mutual transformation and reconstitution for power domination, particularly during the war (1983-2009) and post-war (2009–2018) period.

1.2   Problem Statement

The state-in-society approach, focusing on the state-in-society during state engagement with other social forces, highlights the mutual transformation of the state and other social groups (Migdal, 2001a). This approach mainly studies the relationship between the state and society. In the context of Sri Lanka, the nature of this relationship took a different shape after independence. Accordingly, the larger segment of the society

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activities. The 1983 pogrom against the Tamils in Sri Lanka led to full-scale conflict. At first, the conflict involved only smaller groups of armed Tamil militants who started to attack specific targets associated with the state. Over the years, the conflict escalated in the northern and eastern regions of the island and subsequently turned into a war between the government and the main Tamil movement, the LTTE.

[4] In the armed conflict in Sri Lanka (1983–2009), the diaspora was actively involved, most importantly through its financial and political support to the Tamil separatists (Orjuela, 2016).

(Sinhalese) constituted a part of the unitary state, whereas the Tamil minority were excluded from the state structure through discriminatory policies. Migdal failed to provide adequate insight into this nature of the state and this pattern of formation of society. The state-in-society approach emphasises social forces as representing society, a factor that ensures a powerful mechanism for associative behaviours. These forces encompass informal organisations, such as Senegal's patron-client networks or friendship groups and old-boy networks in other societies, as well as formal organisations, such as businesses and churches (Migdal, 1994, 1998, 2001a). In the state-in-society approach, powerful social militant movements, such as LTTE, are not considered as a social force. The state-in-society approach presented by Migdal has to be expanded to fit the context of Sri Lanka and examine the formation, structure, and influence of the LTTE, a powerful and well-equipped (Nieto, 2008; Flynn, 2011) social force with a strong international network that represent Tamil minority. This political group differs from the social forces indicated by Migdal as capable of changing state–society relations. The institutions mentioned in his approach are not as powerful and influential as LTTE. Given this gap in Migdal's approach, the present study provides deeper insights into the formation and defeat of this militant social force.

The state-in-society approach also indicates that the state's penetration leads to the destruction, co-option, or subjugation of local social forces and the domination of the state (Migdal, 2001a, 1994). In Sri Lanka, the state penetrates into society and destroys the minority social force, that is, LTTE. The military victory, in which the state of Sri Lanka achieved over the LTTE in 2009, marked a crucial turning point in the political history of the country because it led to the end of the civil war that had persisted over 26 years (Hoglund & Orjuela, 2011). Migdal (1988, 1994, 2001a, 2001b, 2004) formed and developed the state-in-society approach in several publications. In these studies, the reasons a powerful social force like the LTTE can be demolished and its domination

wiped out were not deeply analysed. The state-in-society approach also does not provide sufficient insights into the post-war state–society relations.

In this contextual change, many observers view that the absence of the secession and consequences of war encourages the state and society to address the group rights of ethnic minorities and move forward to state reconstitution that introduces inclusive policies (Marcelline & Uyangoda, 2013). Contrary to this observation, certain circumstances led to controversy; that is, the end of the war between the Sri Lankan state and the LTTE further complicated state–minority relations. Consequences of the 9/11 terrorist attack on the United States and its counter agenda of the Global War on Terrorism were the primary influential factor for state's unexpected victory over the LTTE. Thus, the impact of the post-9/11 international agenda destroyed the formidable social force who contested with the state for the formation of separate state to safeguard the Tamil minority. This defeat has apparently weakened the Tamils and strengthened the state during the post-war period, allowing it to hamper all kinds of attempts to find a fair resolution to the ethnic issues. In the process, the demand of the Tamil minority for inclusive policies was ignored by the state and they transformed as weak.

In the post-war politics, the former Sri Lankan President Mahinda Rajapaksa appointed the Lessons Learnt and Reconciliation Commission (LLRC) on 15th May, 2010.[5] However, the overall implementation status of the LLRC and its recommendations have been disappointing. The critical move of the state after the war indicates that it has not learnt the lessons of the war and its consequences to reconstitute itself when

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[5] The commission was appointed to investigate the facts and circumstances of the failure of the Cease Fire Agreement which was operational from 21st February 2002. The commission also had to follow up on the sequence of events that followed thereafter up to 19th May 2009 and the lessons that should have been learnt from those events. Several issues were looked into, in order to be implemented to prevent any recurrence of misunderstandings in the future and to promote further national unity and reconciliation among all communities (LLRC, 2011; Ratwatte, 2012). The LLRC clearly states that devolution is needed and there is no doubting it (LLRC, 2011).

rebuilding Sri Lanka. The strong post-war state was dedicated to strengthening the centralised unitary state through different activities. However, the existing literature indicates an attempt to consolidate the unitary state and establish a new political dynasty under President Mahinda Rajapaksa and his extended family, a factor that weakens democracy (Goodhand, 2012).

As part of society, the Tamil minority has learned good lessons from the war; that is, another war and secession is not the solution. The consensus of the majority community is needed to reach a solution via a state reconstitution in post-war Sri Lanka. As a result of this change in opinion, the Tamil minority became willing to compromise politics with the majoritarian state in contemporary Sri Lanka. For this purpose, the main Tamil party, the Tamil National Alliances (TNA), is seeking the support of the international community and Tamil diaspora. Both these groups are viewed in a negative manner by the majority community who oppose the Tamils' intention to create a federal system. Alternatively, other forces (e.g., Eelam People's Democratic Party – EPDP)[6] and the dividing force in TNA, the Tamil diaspora-based among the Tamil community, continues to disturb the demands and efforts for state reconstitution.

Consequently, Tamil Diaspora groups attracted wide international attention against the Sri Lankan government's military offensive that defeated the LTTE. These efforts influenced Western governments and international human rights organisations to file

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[6] It is a legitimate Tamil political party in Sri Lanka and leader of this party is Douglas Devananda, Member of Parliament who served as minister of social services and social welfare and later minister of traditional industries and small enterprise during the Mahinda Rajapaksa regime. But, EPDP was also formed as a militant social force among Tamil and then joint with the state of Sri Lanka and worked as paramilitary for several years.

human rights charges against the Sri Lankan government (Tamilnet, 2010, cited in Bandarage, 2012).

This study analyses state–minority contestations for power and domination in Sri Lanka. This study reviews the process of state formation and attempts for state reconstitution with an intention to shed light on the present centralised unitary nature of the state during the post-war periods. This assessment provides insights into the character of the present state-in-society approach, if such a distinct approach exists, and determines why this new approach is critical in the context of Sri Lanka.

1.3   Key Questions

This study assesses three major issues through the key categories for analysing state–minority contestations in Sri Lanka. The first issue centres on the state-in-society approach, which indicates how the state and society mutually transform and constitute each other and how the penetration of the state leads to the destruction of social forces. This issue deals with the militant movement as a social force. This study also pays attention to how the state destroyed the militant social force, leading to its failure in the context of the national and international political development, which took place after the September 11, 2001 attack on targeted areas in the United States.

The second issue focuses on new political trends caused by the end of the war that provides opportunities to reconstitute the state based on the lessons learnt from the war not utilised by the state. This study also considers the efforts by the elites of the Sinhala majority to transform the state into a strong centralised unitary system after the war.

The third issue pertains to the different factors contributing to preventing the state from implementing inclusive policies to accommodate minorities into the state system and

eliminate future contestations between the state and minority Tamils, which is related to the basic cause of the protracted war.

This study intends to answer the three following questions:

a) What are the factors that contributed to the failure of the strong minority social force that was formed to reconstitute and create a new, inclusive state?

b) What are the key lessons for the state and the Tamil minority group that can be derived from the civil war that ended in 2009?

c) Why has the state not responded with inclusive policies to prevent another major contestation?

The first question looks into the attempts of a major militant social force to push for state reconstitution to reach the goal of secession and its failure to establish an independent state despite its supreme strength and capacity. To grasp this point, this question explores how the state contributed to the transformation of the Tamil minority to form a militant social force and how society influenced the state to come to the negotiation table to find a solution on the basis of federalism. Even this strength and capacity to dominate the state for reconstitution were unsuccessful. This situation shows that the social force cannot reshape the state when they contest it to form a separate homeland. By responding to this question, based on the bulk of evidence from empirical categories of analysis, this assessment sheds light on the existing obstacles and provides insights into how the contestation process in state-making has been stuck due to the various changes that took place in national and international arenas. This insight into the contestation between the state and a social force is instrumental to examine the state-in-society approach critically. Furthermore, the inability of the minority social force to ensure new state formation in the context of Sri Lanka also provide spaces to critically

study the state-in-society approach. Addressing this question significantly contributes to the expansion of Migdal's theory.

The second question examines state transformation as a strong centralised unitary state resulting from the defeat of the strong social force who challenged the sovereignty of the state through various ways during the war. It basically considers the effects of the conflict and war which killed around 100,000 people, causing the displacement of millions of people internally and externally and destroyed properties worth millions of rupees. This post-war backdrop provides a new context to re-examine the issue of state reconstitution in Sri Lanka by exploring the question. Based on this context, the central argument of this study revolves around the extent to which the state and society had learnt from the protracted conflict and effects of the bloody war to reconstitute the state with the inclusion of all stakeholders to avoid future contestations. Failure of all the parties concerned to learn from this post-war condition raises the need to provide deeper insight into how the state transformed into a strong centralised unitary entity during the Rajapaksa regime as well as examine how the counter forces responded to this situation. This issues contributes to exploring the recent phenomena to enhance the empirical literature on post-war Sri Lanka.

The third question explores the reasons why the state avoided to introducing inclusive policies in an equal manner in the post-war context to curb further contestations between the state and Tamils and the destruction of the country. Exclusionary policies were the root causes of the contestation, and the expectation was to introduce inclusive policies post-war, as a result of the lessons learnt from the long period of war and its effects. This question empirically contributes to new knowledge in the post-war literature that deals with fresh and contemporary issues in state–society (minority) relations of Sri Lanka.

1.4   Research Objectives

Based on the above key questions, the objectives of this research are designed as follows:

- To examine the causes leading to the formation and defeat of a strong social force during state-minority contestations in Sri Lanka
- To study the lessons learnt by the state and society from the war
- To identify the factors preventing the state from responding in a manner that will avoid future conflict

The first objectives is related to the first key question and, thus, it focuses on examining the formation and causes of failure of the strong social force in state reconstitution and the secession process. This objective also focuses on finding out why the militant social forces were formed and how the structure of the non-state entity of strong social force was destroyed by the state entity. The third objective is related to second key question, which focuses on the lessons learnt by the state– a minority with regard to the state reconstitution. The fourth objective deals with third key question and, thus, it gives attention to identifying the causes of the state's avoidance to introduce inclusive policies.

1.5   Justification of the Research

The unitary form of the state of Sri Lanka, which is characterised by a high level of intra-state conflicts, is a typical example of the key actors in the competition of state and minority for power in a post-colonial era. Sri Lanka gained international attention as a nation that was demolished by the three-decade-old civil war that led to the killing of more than 100,000 people who were mostly minorities and the massive forced displacement of many people internally and externally. Such state–minority relations can

be analysed by studying the post-war agenda of state reconstitution. This study also explores the state–minority contestation for state reconstitution and its consequences.

Many studies on the Sri Lankan conflict focus on issues like the unitary state formation, marginalisation and exclusion of minorities from the state system, the politics of identity formation, secessionist war, state reconstitution attempts, and centralisation of state power. How the state and minorities contest for transformation and reconstitution for domination of power during the war and post-war era are hardly studied. The focus and analysis employed by Uyangoda (2005, 2007, 2011a&b , 2012, 2013a&b), Bastian (2007, 2013), Stokke (2006a, 2006b), Coomaraswamy (1996), De Votta (2004, 2007), Tiruchelvam (1999, 2000), Darini (1999), Robert (2001a&b), and Samarasinghe (2009) in their scholarly studies concerns the post-independence state reform debate employing a number of themes. Some applied theories dealing with ethnocracy (Uyangoda & De Votta), democracy (Uyangoda, De Votta & Darini), liberal democracy (Bastian) and soft authoritarianism (De Votta), but they have not considered the state-in-society approach, which is applied in the present study.

In addition, many previous studies on ethnic conflict, state formation, and reconstitution focus on the unwillingness and incapacity of the elites of the Sinhalese majority community to deal with the secessionist LTTE's demand for further decentralisation and devolution. More importantly, none of these scholarly studies concentrates on the LTTE as a social force representing the Tamils who fought with the state of Sri Lanka to reconstitute and reshape the unitary model, and how the alliances of both (state and the LTTE) mutually transform one another (strong state-strong society). The defeat of the LTTE created a strong state with the support of radical social forces representing the majority Sinhalese. These forces mobilise majority Sinhalese to maintain

the unitary structure of the state and mounted hate campaigns against inclusive state reconstitution, whereas weak society (the Tamil minority) unable to reconstitute state.

The military and electoral victory provided Rajapaksa with the opportunity to centralise state power and become a strong statesman, enhancing his capacity to weakening the LTTE's goal of secessionism. This transformation is described as soft authoritarianism by scholars such as De Votta (2011), a discussion dating back nearly a decade. Given the gaps in the literature, comprehensive scholarly attention is essential to examine this new trend, which the present study looks into. The regime change in 2015 via the presidential and general elections provided a venue to re-examine the state reconstitution debate in Sri Lanka. The previous regime has not positively considered the Tamil diaspora-backed international war crime allegations and requests for the solution to the national question via devolution of power which brought severe international setback to the country. However, the new president and Prime Minister's attempt to introduce a new constitution as a solution to the state minority contestation also faced challenges and setback. What is significant about this study is that it is carried out in view of this background, with an emphasis on the reasons for the reluctance to introduce inclusive policies to avoid future conflict. Thus, this study considers post-war state–society via the state-in-society approach.

1.6   Scope of the Research

The scope of the research was determined by the problem statement. The study focuses on the strength of the minority social force which fought the state for secession. It presents Tamils as an important dominant component of the society during the civil war and focuses on the reasons that led to their defeat at the final stage of the war. This study also pays attention to post-war political developments regarding lessons for state and the

Tamil minority, with the aim of answering three key questions on state-minority contestations for domination of state power. Thus, although the research is focused on Sri Lanka in the literature review, it also examines certain experiences of state formation in other countries to obtain a better view of the issue and the uniqueness of the Sri Lankan experience. Considering that this research is a political study, it looks at the political problem and prospects while studying the state–minority relationship. Each and every aspect of the study recorded and analysed the entire contestation process and provides more in-depth insight into problems between majoritarian state and minority social forces.

The prospects and challenges of state formation and reconstitution in a multi-ethnic country like Sri Lanka can be an incessant quest. Although many questions need to be answered since its independence in 1948, this study is limited to achieving four objectives. The study aims to understand the formation and strength of the social force and the factors leading to its defeat as well as state transformation as a strong centralised unitary system; examine the remaining nature of the state as to why it sabotages state reconstitution; explore the failure of the social force to have and impact on state reconstitution and secession; and identify the post-war lessons and reveal the reasons for the reluctance to introduce inclusive policies in state reconstitution within Sri Lanka. The researcher cannot study all types of contestations in Sri Lanka as it requires a great deal of time and resources. In this regard, the study considers the dominant portion and forces selected as key categories, which are the state, Tamil minority, and international factor (defined in Chapter Three). The components above are treated as major actors of state–minority relations and contestations.

1.7   Importance of the Research

The findings of this research contribute to the literature at four levels. First, it provides better insight into the dynamics and the complexities of state formation and attempts for state reconstitution and secession in a plural society in general and in Sri Lanka in particular. This research is timely and relevant because of the number of political developments that occurred during the war and post-war period, providing sufficient data on the outcomes of conflict in Sri Lanka. This research also contributes to the existing empirical literature by studying different contestation processes and their consequences in exploring key categories representing stakeholders of the contestation in Sri Lanka. Therefore, this research is beneficial to researchers interested in state-related conflict in general and in South Asia in particular.

Second, understanding the present state-in-society approach is significant as it provides a venue for deeper insight into state-minority relationships in Sri Lanka. In addition, this study intends to contribute to the expansion of state-in-society theory through an assessment of issues such as the rise and defeat of a social force and post-war state–society relations.

The LTTE, which was considered a powerful social organisation, was defeated at the last stage of its war with the Sri Lankan state forces. This defeat was unexpected as the LTTE was at the peak of its power and the verge of a great victory. The political group demanded to form a separate homeland that they had been dreaming of for a long time. The reason for this defeat should be carefully approached and analysed, especially the national factors for the fall of the LTTE. The major reason for this defeat can be linked to the major changes in the political arena that took place after the September 11, 2011 attack on targeted areas in the United States. The subsequent change in the international view of rebellious groups or freedom fighters and the domination of the Sri Lanka

Security Forces (SLSF) since 2006 had an adverse impact on the efforts of the LTTE to seek a solution through violent means. These new trends have not been adequately studied by previous researchers. Thus, through the empirical case study, the present research contributes to this debate.

Third, policymakers and policy researchers in Sri Lanka are the most important target groups of the present study since it discusses state-oriented and centralised legislation, policies and their effects. Although the effects of the decisions within the majority community may not be of much importance to a policy-maker, the entire study helps them see how the minority community and the entire country have been affected by state policies and, crucially too, how the bureaucratic way of decision-making has affected the people. Recommendations are proposed to the policymakers as part of the conclusion of this study.

1.8   Organization of the Chapters

This thesis consists of seven chapters. Chapter One looks into the context of the research, states the problem, outlines the key questions and objectives, justifies the study, and presents its scope and importance as well as the organisation of the chapters.

Chapter Two provides an extensive literature review, organised thematically to study the existing literature on state formation internationally in general and Sri Lanka in particular.

Chapter Three introduces the state-in-society theoretical framework and the related conceptual model used in the research, presented using a qualitative method of analysis of key categories. In this chapter, the researcher presents the three key categories (state, minority, and international actors) and offers insights into the selected respondents,

means of data collection, pivotal interview questions, and the method for assessing the validity and reliability of the data.

Chapter Four deals with the post-colonial unitary model of state formation and multiple contestation processes. It focuses on the struggle over rulemaking and implementation. It considers policies that are in favour of the majority while being discriminatory and excludes the minorities. The chapter also briefly reflects on how these policies are instrumental as root causes of the ethnic conflict and focus on the formation of social forces in the case of Sri Lanka. It further gives special attention to the context of the establishment of the LTTE as the social force of the minority group. Furthermore, this chapter deals with the LTTE's contestation with the state, its control of a portion of state territory and its attempt for state reconstitution posing a secessionist threat.[7] This chapter also analyses the defeat of the LTTE as the weakened minority community in the absence of military might and, thus, creating a state uneasy to reconstitute in the post-LTTE era.

Chapter Five examines the implication of the protracted conflict and ethnic civil war on the state and minority groups, to explore the lessons learnt by the state and Tamil minority from the war. Further, it identifies the reasons for the reluctance of the state to introduce inclusive policies to avoid future conflict.

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[7] Sri Lanka's territorial integration was disputed from the post-independent era. Minority Tamils demand for a state reconstitution to federalism, as well as secessionism demand for separate homeland in Northern and Eastern parts of the country. The LTTE captured and controlled significant areas of this territory for a long time which challenged the sovereignty of the state. Further, according to the Cease Fire Agreement (CFA)/ Memorandum of Understanding (MOU) internal territorial boundaries were divided as government controlled and LTTE controlled areas – *Article 1.5* (CFA, 2002). This situation weakened the consistency of the state in rule making.

Chapter Six reviews this question: why has the state not responded with inclusive policies to prevent another major contestation? The facts about the nature of the state, society and international community are analysed in this chapter.

Chapter Seven provides the conclusion of the study, summarizes the findings in relation to the research problem, and concludes with a discussion of the research questions, objectives and theory related to the study. This chapter lists the novel empirical contributions of this study, as well as new theoretical insights garnered from this research, and contains recommendations for the state, the minority Tamils of Sri Lanka, and for international actors. The study ends by drawing attention to the limitations of the study and possible areas of further research.

CHAPTER 2: LITERATURE REVIEW

2.1   Introduction

This chapter reviews both the theoretical and empirical literature on state constitution/formation. Specifically, this chapter highlights works related to three main themes, theories on state constitution (formation), research on post-colonial state formation, and studies about Sri Lankan politics. The state-in-society theory is reviewed with the crucial question of how state and society transform and constitute each other. A review of the literature indicates little work on post-colonial state formation in Sri Lanka and state–minority contestations, though these issues do emerge as sub-themes. Finally, this chapter draws attention to the research gaps in the existing literature that will be tackled in this study.

2.2   How a State is Constituted

An extensive literature delves into how a state is constituted, employing various theoretical perspectives, including conventional (Weber, 1964; Gramsci, 1971; Almond & Verba, 1963; Skocpol, 1979), culturalist (Archer, 1985; Laitin, 1986), system-dominant structuralist (Geerts, 1973; Nordinger, 1981; Krasner, 1984), and rationalist (Bates, 1981, 1989). All theories dealing with the state greatly emphasize either state autonomy or social autonomy and thus are characterized as bipolar. The Weberian state–society literature on the 1970s and the 1980s is developed as a reaction to both structural–functional and Marxist assumptions, providing support for previous approaches of bringing the state back in. However, the most recent state-oriented literature, which constitutes a subset of works by many Weberian scholars of the 1970s and 1980s, has gone beyond its statist claims. A prominent example is the works of Peter Evans, Dietrich Reuschmeyer, and Theda Skocpol (1985) (eds., *Bringing the State Back In*. Cambridge: Cambridge University Press). State theorists correctly emphasize that states are constant

and direct agents of socioeconomic change, and this observation is especially true in the twentieth century. Migdal demonstrates that "these important assertions have helped sustain the case for bringing the state back in."

Migdal strongly emphasises that the twenty-first-century state is buffeted by the winds of globalisation, namely, supranational entities. Divisive ethnic conflicts must also be stripped off of its myths of unity and omnipotence. In the contemporary world, individuals live in a number of crucial social formation—nations, states, ethnic and other subnational groups, civil society, and the global economy. All these social formations establish authority or at least attempt making powerful demands on the behaviour and psyche of people (Migdal, 2001a). In some instances, a minority considered as a segment of society, challenges the state and attempt to transform and reconstitute the state.

In this regard, Migdal's work "State-in-Society: Studying How States and Society Transform and Constitute One Another" (New York: Cambridge University Press, 2001a) promulgates a view to the effect that state and society can constitute each other. Migdal introduces a new concept, i.e., state-in-society approach, which explores the principle of how state and society can establish an inter-dependent relationship as opposed to the conventional views of setting the state and society against each other. With this work, Migdal is instrumental in introducing a concept whereby a mutually transformative nature of relationship between the state and society can emerge. This approach envisaged by Migdal's work can be considered as a point of departure in that it differs from the conventional approaches to state and state constitution (formation).

States may help mould, but they are also continually moulded by, the societies within which they are embedded. Thus, once the state's importance has been emphasised, the intellectual attention immediately shifts to issues of why states do what they do, under what circumstances states are effective, and why states defer in their respective roles and

effectiveness (Migdal, 1994, p. 2). Sequentially, these issues cannot be discussed satisfactorily without looking at society, at the state, and society transforming and constituting one another.

How does state-in-society offer a scope to study how state and society transform and constitute one another? In the modern world, understanding the term "society" is impossible without the state. The formation of the state has created and activated society. Migdal (1994, p. 23) points out that "interaction of state and society are mutually transforming." The result of the engagement and disengagement of states and social forces are tangible, even momentous; however, outcomes rarely reflects the aims and wills embedded in one another. The clash of social forces, including the state, is mediated through the struggles and accommodations in society's numerous arenas. He explains state and society relations as well as mutual engagement. Special focus is given to struggles and accommodation from the aspects of different components.

When Migdal (1994, p. 20) explains society, he prioritises social forces representing society and interacting with the state on behalf of society. Authoritative and autonomous forces in a society shaped the state in as much or more than it shaped them. Social forces in society represent a powerful mechanism for associative behaviour. These forces encompass informal organisations (e.g., Senegal's patron-client networks or friendship groups and old-boy networks in other societies) and formal organisations (e.g., businesses and churches). They can also be social movements, including those held together by common, strongly motivating sets of ideas (even where obvious organisational ties are absent) (Migdal, 1994, 2001a, 2001b, 2004).

Haddad (2010, p. 1003) argues that the state-in-society approach was first developed to help explain politics in the developing world. Sri Lanka is one of the developing countries selected for study of how a state is constituted, including how state and society

attempt to establish mutual transformation. However, Migdal's state-in-society approach is insufficient to examine all aspects of the state and minority contestation; thus, a gap of the state-in-society approach is discussed towards the end of this chapter, including a full explanation of the approach, examining the theoretical and conceptual framework of the study. Below are a few empirical examples capturing mixed results, including the diversity of the complications involved and the complexities encountered in state formation from different parts of the world, a reality reflected in Sri Lanka's state formation.

2.3   Post-Colonial State Formation

Scholarships in the discipline of political science, as well as other fields in the social sciences are, attempt to explain state formations in different regions of the world. Kohli and Shue (1994) point out that "our current approaches to the study of political and social change in developing countries have been profoundly influenced by antecedent intellectual debates concerning the process of modernisation in Europe" (1994, p. 295). Marx, Durkheim, and Weber dominated the nineteenth-century study of social structural transformation in Western Europe. After World War II, most former European colonies became sovereign state (Kohli & Shue, 1994).

State formation in post-colonial societies differentiated significantly from the formation of the Western capitalist state. Alavi (1972) demonstrates that "on the historical specificity of post-colonial societies, specificity arises from structural changes brought about by the colonial experience." A common significance of the post-colonial state is the retention of the unitary colonial state structure by its ruling classes. Despite drawing attention to South Asia (a continent where the modern state emerged under the influence of European colonisation), Bose (2004) points to a number of cases highlighting the

nonlinear processes leading to state formation, even within the same continent (as cited in Shyamika, 2013, p. 1). In addition, Bose and Jalal (2004, p. 95) find that although India, Pakistan, and Sri Lanka were formerly under the British imperial power, they show different patterns of political development and state building shaped by uniquely local circumstances.

Political scientists Crawford Young (1994, 2013) and Jeffery Herbst (2000, p. 11) both draw attention to post-colonial state formation and authoritarianism in Africa, through the historical perspective of their multiple research publications. They review the political science literature on such important issues in post-colonial African states as the legacy of colonialism and role of local elites, the reasons why African states turned autocratic soon after independence. Pade (2010) argues that "the failure of the majority of states in Africa represents a classic example of how European colonisation fostered and exploited ethnicity in Africa with dire consequences for state formation."

Research on Latin American history describes the importance of colonial legacy in its post-colonial state formation and future of the Americans (Alva, 1995 as cited in Berger, 2000). Closely related to debates regarding colonialism have been the emergence of new approaches to post-colonial state formation (Nugent, 1993; Nugent, 1994). Amin-Kahan suggests that the post-colonial state formation process in Latin America differed from Asia and Africa (2012). Scholars "emphasised the vigorous and political change debates over the colonial legacy, state formation and nation-making, elite power, and subaltern accommodation and resistance that cut across the wider study of Latin American History" (Berger, 2000, p. 166).

2.3.1   Post-Colonial State Formation and Ethnic Politics

Another set of the academic literature considers that social set up of most post-colonial states in Asia, Africa, and Latin America formed with plurality involving multi-ethnic, multi-linguistic, and multi-cultures. Weiner (1987) points out that the pattern in most post-colonial countries has been for a single ethnic group to take control of the state. State building/formation frequently tends to curtail the power and prestige of many minority ethnic groups. To the contrary, Horowitz (1989) observes that many emergent regimes appear to have found it convenient to persist with colonial divide-and-rule policies by disproportionately recruiting from specific ethnic communities the cadres for armies, civil policing, the judiciary, and civil service. Thus, seeing the expansion of the state in terms of a neutral process that merely creates institutions for the monitoring of civil society is difficult.

In addition, in instances where mono-ethnic situations prevail, hegemonic groups with large majorities have evidently succeeded in retaining their dominance through the selective use of state power. Moreover, Brown, Collins & Duguid (1989) observes that nation-building in the post-colonial period may reinforce the relationship between the dominant group and that of state nationalism, where symbols of the former are frequently used as the basis for creating an over-riding national identity.

Thus, even as the ethnic consciousness of the dominant community in such situation is revitalised and finally converted into state nationalism, that of minority groups may conversely perhaps be reshaped and distorted because they are required to either assimilate into the majority group or accept a secondary position as cultural inferiors. In many situations, such pressure from the centre precipitates fissiparous tendencies among regional and ethnic minority groups. Alternately, persistent socioeconomic disadvantages may make lesser social groups susceptible to attract extra-parliamentary forms of

dissents. In turn, this phenomenon may generate increased authoritarian responses by the centre to restore social order.

2.4   Literature on Sri Lanka

Significant social science literature in Sri Lanka has also produced an expanding body of analysis on the question of state formation and reconstitution from the standpoint of ethnicity and nationalism. The majority of these writings concentrated on the period after the 1983 pogrom against Tamils, which was instrumental in the escalation of the three-decade civil war. By contrast, the literature reviewed here encompasses the following various themes: colonial legacy, social and ethnic bases, constitutional legacy, institutional decay in governance, majoritarian nationalism, recent radical movements, and the LTTE's state-building process as a strong social force. In addition, the post-war literature on state reconstitution has been reviewed under the following themes: Post-war peace building, state building, nation building, institution building, consequences of victory, ethnic reconciliation, as well as political reform and consolidation of state power. A dominant concern emerging in a number of these studies is the apparent emphasis and priority accorded to the post-colonial state reconstitution project. To fill this gap, this section reviews extensive literature in the field of state reconstitution, under the above-mentioned themes.

Leitan (1990) proves that similar to most third-world countries which emerged from colonialism, Sri Lanka inherited her share of the colonial legacy. Leitan (1990), Uyangoda (2005) as well as Bastian (2008; 2013) argue that post-colonial unitary state formation in Sri Lanka was a creation of British colonial rule, a highly centralised political structure both politically and administratively. They further emphasise that this was a reproduction of the constitutional principle of the European/British unitary model.

Reconstituting the state has been a recurrent theme in Sri Lanka's political debate since independence in1948. This reconstitution began in 1949–1950 when a case was made by Tamil minority leaders who favoured amending the constitution of Sri Lanka to offer regional autonomy to their county in the island's Northern and Eastern Provinces (Kearny, 1967; Wilson, 1988, 2000, as cited in Uyangoda, 2013b, p. 1). The federal demand envisaged a structural reconstitution of the post-colonial Sri Lankan state, with two territorial units. Such a vision was a fairly radical demand from the perspective of state formation. The federal demand sequentially generated a counter-argument for a unitary and centralised state.

As the literature shows, the federal-unitary debate (which became too impassioned and intense in the 1950s and afterwards) failed to gain the same degree of intensity or relevance during the colonial period. This limitation occurred despite occasional arguments for federalism, first by S.W.R.D. Bandaranayake in 1926, then by the Kandyan National Congress in 1929, and Leonard Woolf in 1936. The ethnic minority demand during the late colonial period focused on representation in the colonial legislature and not on state reconstitution per se. The political debates happening in response to the Soulbury Commission in the mid-1940 indicates that no major disputes occurred on the unitary state model (Marcelline & Uyangoda, 2013).

Scholars focus much on the social and ethnic bases of the Sri Lankan state and the reconstitution-resistant nature of the country, namely, the Sinhala political elites (Stokke & Uyangoda, 2011b; Uyangoda, 2010b). For example, Bastian (2013, p. 192) points out that "the central feature of the special relationship has preferred the Sinhalese peasantry by the Sinhalese ruling elites as the most crucial social constituency in state policy, policy discourse, state investment and electoral focus." This process results in a centralised state and the ruling class's inability to respond to the political demand of the Tamils.

Coomaraswamy (1996) focuses on the debate of constitutions of Sri Lanka from the state reform and reconstitution aspects. In "Constitution and Constitutional Reform," Coomaraswamy (1993) surveys Sri Lanka's constitutional history since independence and then critically examines the 1972 and 1978 constitutions and the constitutional reform initiatives between 1987 and 1991. The author identifies the absence of constitutional consensus as a major issue in Sri Lanka. Marcelline (2014) reviews Coomaraswamy's (1996) work and writes about the constitutional legacy of Sri Lanka as being similar to the centralising tendencies of the Westminster and Gaullist systems. Moreover, she highlights that from 1987 to 1993, the essay covers two themes in Sri Lanka's state reform debate, namely, (a) democracy constitutionalism and rights, and (b) devolution. Similarly, Uyangoda (2013b) interviews in the 1971–1972 period, when the United Front (UF) government embarked on altering the entire constitutional foundation of the Sri Lankan state. Although the UF government reformed the state within a republican model, this particular reform measure had two aspects which went against the pluralistic possibilities of state reconstitution. The first was the reaffirmation in the constitution itself of the unitary and centralised nature of the Sri Lankan state. The second was the total rejection by the UF regime of the Federal Party's argument to incorporate in the new constitution a framework of regional autonomy for minorities. In 1978, the state reconstitution attempt failed and subsequently led to the Jayawardena government's introduction of the French model of a presidential system, which led to a more centralised strong state.

Shyamika (2013) claims that since the late 1980s, scholars from Europe and the United States focused on the Sri Lankan state building/reform/reconstitution. "The structural-policy-issue orientation of European scholarship from this period took a keen interest in Sri Lanka's constitution, institutions and markets (Ludden, 2001, p. 27), slowly causing the demise of the subaltern approach. Also, a large portion of research funding on the state in Sri Lanka since this time has come from the West. As a result, local scholarships

have been trapped in criteria set by Western funding agencies, whose primary focus is on elite-oriented approaches to the study of the state."

Scholars also note how Sri Lanka has experienced a process of institutional decay in governance (Moore, 1990, 1992; De Votta, 2000, 2004; Bastian, 2011) in the context of economic liberalisation, ethnic conflict, and political violence. De Votta (2004) provides extra attention to ethnic conflict and party system in Sri Lanka, identifying them as creating obstacles to any projects concerned with power sharing. He mainly discusses Linguistic nationalism, ethnic outbidding, institutional decay, and Tamil mobilisation in the post-colonial Sri Lanka. His major findings of the study are as follows:

> The fact, however, is that while these ethnocentric practices have benefited the majority community, they have led to an illiberal democracy and influenced the principal minority community to seek a separate state. The majoritarian principle does not justify minority domination, and liberal democracies are thus designed to eschew the tyranny of the majority. A proper majoritarian system, especially in polyethnic settings, thus seeks to encourage consensus politics as much as possible and thereby allay minority fears. This is why institutions are of paramount importance and also why an institutionalist approach is better suited to explain Sri Lanka's ethnic conflict.

Other scholars (e.g., Thambiah, 1986; Loganathan, 1996; Tiruchelvam, 2000; Jeganathan and Ismail, 1995; Robert, 2001a&b) examine how majoritarian nationalism played a major role in avoiding post-colonial state reconstitution in Sri Lanka. In "The Politics of Federalism and Diversity in Sri Lanka," Tiruchelvam (2000) points out that since independence and particularly in the context of the ethnic conflict, federal as well as quasi-federal solutions have been proposed, disputed, and frequently rejected in Sri

Lanka's political debates on state reform. The introduction of devolution in 1987 marked a turning point in this debate. This chapter examines the strengths and weaknesses of this system of devolution against the backdrop of the ideological contestation of the nature of Sri Lanka's post-colonial state. The assessment first discusses the ideology of the centralised state and ethnic consciousness, and then followed up with an overview of the system of devolution through the provincial council established in 1987. The third sub-theme concerns the judiciary, pluralism, and the adjudication of disputes relating to devolution. The chapter also provides a review of the draft constitutional proposal of 1996, suggesting that they constituted a "paradigm shift" by moving away from the unitary state model.

Robert (2001a, 2001b) traced Sinhala nationalism and obstacles for power-sharing in "Primordialist Strands in Contemporary Sinhala Nationalism in Sri Lanka: Urumaya as Ur" and in "Burden of History: Obstacles to Power Sharing in Sri Lanka." The Sinhalese nationalist argument for a unitary state is frequently justified by invoking the history as found in Sinhalese and Buddhist chronicles. In both these essays, the author critically examines the ideology of the Jathika Hela Urumaya (JHU), a Sinhalese nationalist party strongly opposed to state reform for power-sharing and uses myths and episodes from history to construct a vision for a unitary and centralised state. JHU has been in the forefront of campaigns against any devolution and for the defence of the unitary state. The JHU's ideological and political influences have been significant in the mobilisation of Sinhalese nationalist opinion against a negotiated settlement with the LTTE and power-sharing with ethnic minorities. These two essays deal with a number of inter-connected themes, such as the invocation of historical myths in constructing an argument for a Sinhalese-dominant unitary state, the discursive reconstruction of Sinhalese nationalist ideology by the JHU, and the social and intellectual bases of the key individuals associated with the JHU. These studies do not consider very recent aspects of the ethnic

radical parties and movement in the matter of new constitutional formation and hate campaign against the minority Tamil which the present thesis seeks to consider.

(a) The LTTE war with state

Another aspect of state formation and reconstitution is discussed by Stokke (2006a) who studied the capacity of the LTTE, which is captured in the title "Building the Tamil Eelam State: Emerging State Institutions and Forms of Governance in the LTTE-Controlled Areas in Sri Lanka." The article examines this state formation with an emphasis on the functions and forms of governance embedded in the new state institutions. This study is a qualitative inquiry and based on the interviews. During the ethnic civil war, the LTTE began establishing a foundation for a state in areas under its military control. This article provides an account and analysis of the nature and function of the state institutions built by the LTTE and the form of governance it practised. The article also shows the significance of building state institutions of its own to the LTTE's overall project of state formation. The author observes that the emerging state formation in the LTTE-controlled areas had strongly focused on external and internal security, with an additional emphasis on social welfare and economic development. In terms of governance, the LTTE state apparatus was marked by authoritarian centralisation. A few formal mechanisms existed for democratic representation as well as partnership arrangements and institutional experiments that could have fostered other democratic forms of representation and governance. The author concludes that resolving the security problem in tandem with political transformations towards democratic governance remain the prime challenges for peacebuilding in north and east of Sri Lanka.

By contrast, Sarvananthan (2007) writes "In Pursuit of a Mythical State of Tamil Eelam: a rejoinder to Kristan Stokke" to refute the analysis developed by Stokke. The

author criticises Stokke's analysis on the following two main grounds: (a) depending solely on LTTE-related sources for information and data, and (b) representing the LTTE as a "liberation movement" with mass support and commitment to performing state functions. This study provides deeper inside in understanding the LTTE's governance and state-like apparatus and its structure. Conversely, the Tamil's strong social force of the LTTE was defeated. Moreover, its state-like or quasi-state structure was totally destroyed in 2009.

Mampillay's (2007) doctoral dissertation "Stationary Bandits: Understanding Rebel Governance," is a wide-ranging scholarly work submitted on an American university. In line with Mampillay's arguments concerning secessionist groups operating in areas formerly penetrated by the state, life in the LTTE territory was impressively stable, with a clear political authority responsible for providing extensive public goods. Literature of rebel groups was utilised to back up the theories explaining the different cases. The study employed quantitative and qualitative methodologies, with Sri Lanka selected as one of the cases in this study. Mampillay focuses on the organisation of the LTTE, the dominant rebel organisation previously operating on the island. With an estimated troop strength of 20,000, the LTTE was arguably one of the best organised non-state military forces ever assembled, with the capacity to fight on land, at sea, and on air. The LTTE-controlled many areas in the north and east of Sri Lanka for extended periods after the outbreak of conflict in 1983. Mampillay explains the unavoidable power-sharing engaged in by the state with the LTTE within the Tiger territory for the government to provide key services to the population under the group's control. Mampillay also argues that, faced with strong state institution's services to which the public had been accustomed to, the LTTE had little choice but to work with the GOSL to establish a joint mechanism that would ensure a continuity of services. Despite the bitter conflict, the GOSL had no choice but to continue its services in coordination with its nemesis the LTTE, that is, if it wanted to

maintain ties with the people in the LTTE-controlled territories. Mampillay's study widely focuses on the LTTE's administrative structure, and analyses how they developed the service provision in the north and east. This information are used to provide supportive data and background when preparing the present thesis.

(b) Defeat of the LTTE and effects

Nieto's (2009) article "A war of attrition: Sri Lanka and the Tamil Tigers" provides a profound insight into the 26-year secessionist war between the state and the LTTE in which military operations failed to achieve a decisive victory for either side. As a qualitative study, Nieto employs the term "war of attrition" as a conceptual tool to study the civil war and its termination in Sri Lanka. Nieto considers the existing literature and finds Sri Lanka an important case to conduct the study and suggest that the findings of the study are equally useful for regional as well as other countries. His research looks into the historical background of the war and touches on the "hurting stalemate" situation of war at the end of the twentieth-century. He develops his argument by linking the application of Zartman's "ripeness" theory to this "hurting stalemate" situation. The focal point of the study is to analyse the defeat of the LTTE while comparatively explaining international experience (e.g., the US in Vietnam). Nieto stresses the importance of peace through negotiation: "It seems unlikely that either the Sri Lankan military or LTTE can militarily defeat their adversary, meaning that a resolution to the conflict will have to occur through negotiations after an offensive military forces the other side, weakened but not defeated entirely, to agree to the terms placed before it." Nieto's work exhibits some weaknesses, despite the many insights it offers that are supportive of the current study. The paper mostly relays information about the war and its attrition, which failed to allow space for peace. Moreover, Nieto's study fails to consider the ability of the social force

to coerce the state into attempting a state reconstitution or attempt secession in context of the post-LTTE climate characterised by a weakened Tamil community and Sinhala hegemonic state, core obstacles to tackling state reconstitution.

Flynn's (2011) "The Liberation Tigers of Tamil Eelam: A Revolution in Military Affairs" is intended to asses guerrilla warfare, and the LTTE is selected for the study. This group is chosen due to their formidable conventional force, which included a maritime arm capable of challenging the Sri Lankan Navy and a nascent air wing capable of striking targets inside the government-held territory. However, even with all the this prowess, the LTTE suffered a crushing military defeat at the hands of the Sri Lankan Armed Forces in May 2009. Flynn's study aims to investigate the factors that caused the downfall of a group believed to be nearly invincible. To achieve this goal, the paper applies a theory of warfare, namely, the revolutions in military affairs (RMAs), as a framework within which to analyse the actions of the LTTE and government of Sri Lanka. Accordingly, the author concludes that the military downfall of the LTTE was a direct consequence of its leader, Velupillai Prabhakaran's fixation with achieving a separate homeland (Tamil Eelam) while ignoring the political implications of changes in the conflict environment. However for his empirical basis to reach this conclusion, the author utilised desk study and secondary sources.

(c) The LTTE and international agenda

Parasram's (2012) article "Erasing Tamil Eelam: De/Re Territorialisation in the Global War on Terror" and Jirasinghe's (2016) article "The International Community's Intervention during the Conclusion of the War in Sri Lanka" examine the role of national and international factors during the last phase of the war and defeat of the LTTE. These studies view that the international community banning of LTTE on the grounds of it being

a terrorist organisation paved the way for the state of Sri Lanka's easy demolition of its enemy. These study supports their arguments by relying on the political situation from the past, to understand the ethnic conflict in Sri Lanka while depending largely on views of the International community. Parasram's (2012) paper considers the possible explanation of the dramatic end to the Sri Lankan civil war through post-colonial territorial politics. Parasram relies on literature in political geography and political science to argue two discourses, namely, post-colonial nationalism and global terrorism, aligned along domestic, regional, and international political levels to enable a military victory of the government. On a domestic political level, a new government was in place, whereas the LTTE found itself in a shocking split with the defection of its Eastern Wing Leader. At the international level, reliance on Western allies was quickly diminishing due to their perceived inability to understand the needs of the Asian front in the Global War on Terrorism. These events led to a warming of relations with China, which was perceived as a nation that understood and was sympathetic to fighting terrorism and secession movements. Through these movements, the domestic civil war was effectively mapped onto the developing regional geopolitics of Southern Asia.

Jirasinghe's (2016) paper discusses the ambivalence in the discourse of the international community over the government's military action, the latter's role in consolidating its hegemony and ultimately its resistance to the efforts made by the International Community in the last stages of the war to find a just solution to the crisis. The study argues that the success of an international community's intervention, to ensure civilian security during a war, depends primarily on the hegemonic alignment between the international community and the state, especially if the state maintains hegemony at the local level. The methodologies used for data collection for this work are the case study and causal process observation (CPO) in a bid to track the engagement between the government and the international community over human security during the war and

over post-war peace-building period from 2009 to 2015. The sources for analysis relied on transcripts of speeches, press releases, media reports, official documents, and personal interviews. The research draws from the post-colonial theorist Homi K. Bhabha's conceptualisation of ambivalence. For its study, the role of ambivalence in the discourse of the international community as enabling the Sri Lankan state's resistance to the former's authority is reviewed. Most research and writings on Sri Lanka reflect the practical situation at the end of the war and its consequences, with special focus on recent international influence in the Sri Lankan conflict. This thesis obtains sufficient contributions from the scholarly work of these writers to develop Chapters Five and Six, as these studies provide data to look into how the strong social force of the LTTE was eradicated and the strong unitary state was established once again. Both papers are theoretically based, but the first one is not sufficiently clear in terms of methodology, whereas the second paper provides deeper insight into methodology.

(d) *Post-war State reconstitution*

In "Sri Lanka: The Challenges of Post-war Peacebuilding, State Building, and Nation Building," Samarasinghe (2009, pp. 436–458) mainly concentrates on one side, the military victory, and its impact on the successful transition to peace and stability through post-conflict reconciliation, peacebuilding, and reconstruction. His study begins with a historical genesis and evolution of the protracted ethnic conflict in Sri Lanka while focusing on causes and origin of the conflict during the colonial and post-colonial periods of Sri Lanka. The beginning of the ethnic conflict, demands of minorities and failure of resolution attempts, several episodes of communal violence, and full-scale war are comprehensively discussed in his account. Further, he discusses end of the war in 2009 and issues that occurred from this point. In his work, he mentions that "Sri Lanka's ethnic

war that lasted over 25 years resulted in a militarised country, political fragmentation, deep ethnic division, poor governance and a weak economy. Reconciliation, peacebuilding, and transformation of the politics and economy are essential for Sri Lanka to recover." Moreover, he stresses the challenges posed by soured post-war relations with Western partners of the country due to humanitarian and human rights records of the Sri Lankan government. The excess allocation of the government for defence, strengthening of the military, and undemocratic electoral processes brought about real threats (2009, p. 436). In particular, the global arena has been paying attention to mainly the war-affected north and east areas of the country in the post-war scenario. Thus, he concludes that healing the polarisation of ethnic groups, which has developed during a war that lasted one whole generation, is difficult. However, his account is confined to the beginning of the post-war peace-building process in Sri Lanka, although many pages were devoted to the causes and history of the conflict. He emphasises issues and challenges of the post-war situation. This qualitative study largely depends on secondary sources of information. Overall, this paper brings us closer to comprehending the challenges Sri Lanka faces in the process of post-war peace, as well as state, and nation building in the aftermath of the war. His account has been a prime source of information to researchers who envisage learning the historical genesis of ethnic conflict and post-war peacebuilding challenges in the beginning stage of reconciliation. In any case, comprehensive studies are needed to understand the inclusive approach of state reconstitution and transformation in the post-war reconciliation process.

International Crisis Group ([ICG], 2009, pp. 1–28) illustrates in its report that continuous struggles, political insecurity, and the lack of power invested in the newly invested to established provincial council are discouraging and indicate a determined plan for scaring eastern province of the island. The government has yet to devolve power to the eastern province (established in 2008 via election), as required by the 13th

Amendment to the constitution, which established the provincial council system in 1987 in response to Tamil demands for regional autonomy in the north and east. This report also demonstrates that the eastern part goes on to face barriers to economic and political advancement. Organisations and international supporters, bearing this conflict in mind, are increasing their efforts to rebuild recently won parts in the Northern Province. Despite the possibility for growth in the eastern part of the country, "it remains far-away from being the model of democratisation and post-war restoration that the government claims." The study recommends that donors should implement a more coordinated set of policies for the war-damaged areas of Sri Lanka, emphasising that "civilian protection, increased continuous supervising of the special effects of aid on conflict dynamics and cooperative encouragement with the government at the top levels." This report provides general phenomena of the recent status of the eastern provincial council and oversight of the international community towards post-war institution building and state reconstitution. The report presents focal points of the democratic governance situation in post-war eastern Sri Lanka.

Nadeeka and Rodney (2010), in their paper "Post-war opportunities for peace in Sri Lanka: An ongoing challenge?" presents two objectives. The first objective is to analyse post-war political climate based on local media reports and personal experiences of the local people. Qualitative pieces of evidence were collected on the ground prior to and immediately following the presidential elections. The second aim is to assess key factors that contributed to the war in Sri Lanka by discussing historical interpretations and post-colonial political reform. The article suggests an outline for a sustainable path to peace with the inclusion of all Sri Lankans as co-owners of an inclusive peace process, where concrete steps are taken towards reconstruction, reconciliation, and promotion of democratic principles, as well as participatory strategies in political development and change. The Sri Lankan conflict is widely attributed to the ethnic rivalry between majority

Sinhalese and minority Tamils in the post-independence era. The Tamil demand for state reconstitution and state's discriminatory policies were root causes for the conflict. However, these authors focus on including all communities in the country for a lasting solution to the conflict, which is a noteworthy recommendation. By contrast, these suggestions, if implemented could harm the Tamils who were the major victims of the conflict. Hence, this thesis is carried out with the aim of filling that scholarly lacuna with regards to Sri Lankan Tamils.

The essay by De Votta (2011) "From civil war to soft authoritarianism: Sri Lanka in comparative perspective," suggests that the best description of Sri Lankan politics under the Rajapaksa regime is "soft authoritarianism." The argument is that soft authoritarian dispensation was directly linked to Sinhalese Buddhist ethnocentrism and the battle against the LTTE and could represent the most destructive legacy of the country's civil war. Part of the theoretical literature makes very good sense and captures the idea of soft authoritarianism from existing literature. The essay provides deep insight into empirical cases from around the world, in comparison to the Sri Lankan experience. De Votta elaborates on soft authoritarianism in Sri Lanka: "it is thus within the realm of possibility that Sri Lanka's current soft authoritarianism can also morph into a dictatorship should President Mahinda Rajapaksa and his family, utilising the military, decide to stay entrenched in power by hook or by crook." He backs his argument on the existence of soft authoritarianism in Sri Lanka through the systems that were placed by the Rajapaksa regime, which included muzzling of the media, undermining political opponents, the upper hand in the military and over his defence secretary, and nationalist ideology. De Votta accurately explains the recent past situation in the country, but he does not consider the economic growth of the state from lower to middle-income status similar to other soft authoritarian states. De Votta's study gives support to construct the arguments in the present thesis.

The paper by Hoglund and Orjuelas (2011) on "Winning the Peace: Conflict prevention after the victor's peace in Sri Lanka" focuses on conflict prevention in post-war Sri Lanka, and mainly explores the limitations of international discourses and practices. The study is scholarly, interesting, innovative, and contributes to the literature on the post-war peacebuilding process of Sri Lanka with the application of conflict prevention theory. The main sources for the paper are collections of secondary data, such as scholarly works and reports. One of the points the researcher of this thesis found most appealing is the way in which the authors presented how growing Asian super powers, such as China, are working with a different approach to influence the policies of the Sri Lankan government towards conflict prevention measures, but Western alliances lack influence or interest. The strength of this paper is the fresh initiative to analyse post-war Sri Lanka, and its significance of in understanding how the victory of one side could prevent conflict.

This evaluation is a lesson based on Sri Lanka as well as other war-torn countries in the world where intra-state conflict is at peak. In many places, the paper reads with the strength of evidence, whereby authors tell readers about the progress and challenges of all four dominant factors (demilitarisation/militarisation, political power-sharing and reform, justice and reconciliation, and post-war reconstruction and economic development). In addition, the authors' way of presenting research findings by other scholars makes for more interesting and informative insight of the contemporary situation in Sri Lanka. The authors give slight emphasis to political or structural reform, with the support of conflict prevention theory. They stress the series of missed opportunities by Sri Lanka with regards to political reform. "The President has consolidated political power in a series of provincial elections as well as in the presidential and parliamentary elections in January and April 2010." The authors highlight that this consolidation of power could have been used to implement reforms of the state structure in favour of

devolution of power and decentralisation of the state, which have been on the political agenda as a solution to the conflict for decades (Uyangoda, 2010 as cited in Hoglund & Orujuela 2011, p. 28)

Darini (2010) emphasises the same idea in her study, where she claims that "the identity conflict that preceded it may persist in different forms until issues of power-sharing with the regions due to over-centralisation of State institutions, and erosion of democratic governance are addressed." She discusses the essential need for devolution of power in the Northern and Eastern Provinces where Tamils and Muslims predominantly live. Darini does not broadly explain how centralised power needs to be devolved, apart from recommending accountability, transference, and inclusiveness of the institutional set up to find the sustainable political solution in post-war Sri Lanka.

Hoglund and Orjuela mainly consider entire challenges that occurred since the end of the final battle in 2009 and its consequences. The study is qualitative, and data are collected from secondary sources. The authors do not prioritise the challenges for state reconstitution and greater power devolution between majority and minority in post-war Sri Lanka as a resolution to the conflict.

In his recent work "Political Trend in Post-war Sri Lanka," Sahadevan (2010) examines the issues of whether after the defeat of the secessionist war, Sri Lanka can move towards a post-war society with an agenda of ethnic reconciliation and political reconstitution that will reflect the plurality of countrie's society as well as address the concerns of ethnic minority groups on the question of minority political rights. The author argues that the triumphalist regime led by President Mahinda Rajapaksa, which was the same war that spearheaded the military victory over the LTTE, was incapable of making such a transformation. This is due to various reasons. For instance, the regime itself was oriented towards Sinhala Buddhist nationalism at an ideological level and did not

recognise the legitimacy of the political rights of ethnic minorities. The ruling regime had instead emphasize its commitment to maintaining and safeguarding the unitary state from any threat, be it secessionism or federalism, and a commitment to further centralisation of state power through political reform.

How can contestation be conducted among ethnic competitors in post-war Sri Lanka? The answer to this question can be found in another study by Sahadevan, "Unitarism, Separatism and Federalism: Competing Goals and Problems of Compromise in Sri Lanka" (2012), which explores how competing goals among ethnic contestants in Sri Lanka had compromised regional autonomy. The study shows how the extreme positions and uncompromising attitudes of the unitarianists and separatists paved the way for federalists as a potential force for moderation and compromise. However, the author further shows how unitarianists and separatists—the "ethnic enemies"—in turn found federalists as their "common adversary," and how they, while seeking to annihilate each other, also jointly sought to destroy the federalists. The main assumption on which the analysis is based on the following: the ideological entrenchment in unitarianism or separatism is a deeply ethnicized, thus the resistance to any political compromise. The chapter begins with the characteristic description of Sri Lanka's polity and society and then provides an account of the position advanced by the unitarianists, separatists, and federalists. The last section reviews how the unitarianist project became strengthened in the post-war context. Nonetheless, Sahadevan does not give attention to recent political developments, including post-war constitutional formation and the fresh demand of Tamils for federalism, issues that the present thesis analyzes.

Goodhand's (2012) "Sri Lanka in 2011: Consolidation and Militarization of the Post-War Regime" cuts across the entire fabric of post-war development and devolution. He makes note of the slow progress towards a political solution in contrast to infrastructure

development projects that are fast paced. He notes the lack of significant steps taken to secure a political settlement and reconciliation with the Tamil community since the end of the civil war (Goodhand, 2012, pp. 130–137). The paper highlights the centralization of state power, regime consolidation, presidential control over state power, and his family dynasty. The paper considers post-war economic development in the country whose growth was very fast and attracts adequate international attention to receive loans from the IMF. Infrastructure developments in the northern and eastern provinces have been accounted for in his study. In addition, this paper focuses on recent local government, provincial council, and general and presidential elections, as well as reviews the results of these elections. Moreover, the paper briefly discusses international allegations of war crimes and accountability issues during the last phase of the war, especially focusing on the initiatives of the (UN) secretary general and the response of Sri Lanka in the form of the LLRC. This paper contributes to the last part of this thesis, which is an analysis of recent political developments in the state. The very brief post-war account of the multiple sector process in Sri Lanka needs more comprehensive focus, and state reconstitution and centralization of state power are briefly discussed.

The prominent political science scholar in Sri Lanka, Uyangoda (2000, 2005, 2009, 2010, 2011a&b, 2012 & 2013a&b) reviews the political reform debate in Sri Lanka in his various research works. In "State of Desire? Some Reflections on the Unreformability of Sri Lanka's Post-Colonial Polity," Uyangoda (2000a) critically evaluates the possibilities of reforming the state in the context of escalating civil war. Written against the backdrop of Sri Lanka's 50 years of political independence from colonial rule, the author argues that despite the Tamil minority's mobilization to reform the existing unitary state, the state has been resistant to reform. In explaining this thesis, the author examines the changing class nature of political power, the role of ideology in social mobilization for state power, and the counter reformist thrust of counter-state politics. The shift of political

power, from the traditional Sinhalese elite of the capitalist class to the intermediate classes of Sinhalese society, was a development that occurred in the mid-1950s. Consequently, this shift has made state reform to meet minority demands doubly difficult. Uyangoda (2005), in another of his academic work, argues that "Sri Lanka's unitary state and consequently much of its pluralist contestations are products of a precise colonial legacy, particularly the organization and reproduction of the constitutional principle of European/British unitary state in the island. Only after decades of violent ethnic conflicts between the minority Tamils and the majoritarian Sinhalese population did the Sinhalese ruling elite realize the need for altering the unitarist bases of the Sri Lankan state within a framework of ethnicity-based power sharing."

Uyangoda (2010b, pp. 29–78) later states that "when the civil war ended, Sri Lanka did not seem to be moving in the direction of political reform for the foreseeable future." His paper is organised into three analytical sections. The first section elaborates how the broadening of the social bases of political power has paradoxically led to the narrowing down of the ethnic foundation of Sri Lanka's post-colonial state with direct consequences for what can be and what cannot be achieved in a program of state reform. The second section of the paper identifies and comments on the constraints on reform embedded in institutionalised spaces of political power. In the final section, the discussion leads to non-institutional, but social spaces and practices that give meaning to contests for power in Sri Lankan society. The paper ends with a postscript that highlights the paradox of political reform difficulty in Sri Lanka even after the end of the civil war, which earlier stood as a barrier to reform.

In another study, Uyangoda (2011b, pp. 35–61) identifies difficulties and failures in state reform attempts in the post-independent Sri Lanka, and how the absence of the reforms affect the future of Sri Lanka. Moreover, he employs "the concept of 'ethnocracy'

as a theoretical tool to understand the problematic absence of state reform amidst a secessionist civil war in Sri Lanka." The paper provides an interesting analytical description of the necessity and political impossibility of the reforms in recent decades. He describes that the argument for state reform during the civil war is based on the premise that state reform can be a means to ending the ethnic conflict and secessionist war. Significantly, this paper focuses on the Sinhalese ruling class and its capacity of using the divide-and-rule strategy on Tamil and Muslim minorities. Thus, "the internally divided minorities have weakened their political bargaining capacities, except for sharing spoils of power."

Uyangoda's (2012) account in "Introduction: Reframing Democracy–Perspective on the Cultures of Inclusion and Exclusion in Contemporary Sri Lanka" studies Sri Lankan political history since the mid-1950s, a period replete with failed attempts at state reform. He briefly takes the chronological failure of state reform attempts among elites of the Sinhalese majority and Tamil minority for interpretation. In another of his recent accounts, in the same volume, "Local Democracy and Citizenship in the Social Margins," he presents the argument that the existing form and practices of local democracy do not weaken the social and cultural structures that produce marginality in social as well as political spaces. Therefore, the existing local democracy has become a socially conservative form of democracy that has lost its capacity for egalitarian social transformation in rural society. An argument for state reform begins with a critical understanding of the conditions, forms, and practices of unequal local democracy that continues to reproduce social marginality. The study was based on a qualitative material gathered from the Kurunegala District, North Western province, on a marginalised case community in Sinhalese society. The central argument presented has three components: (1) Sri Lanka's democratisation process, in general, has reached a crisis, (2) deficits in a

democracy that are visible in rural society are consequences of "arrested democracy," and (3) the expansion of local democracy requires social transformation at the local level.

The introduction of the edited volume of "State Reform in Sri Lanka: Issues, Directions and Perspectives" (2013) presents the key issue concisely in post-colonial Sri Lankan politics in the mode of a question: "Should the post-colonial state be re-structured and reformed and its basic institutional architecture re-designed?" Uyangoda continues to explain the state structure in post-independence Ceylon from a historical views of the 1930s period. He stresses the ethnic perspective that links with "the main ethno-nationalist project." He mentions the two attempts of state reform of Sri Lanka in 1972 and 1978 that failed as a result of different perspectives and agenda of ruling political parties.

Chapter 2 of "Sri Lanka's State Reform Debate-Unitarism, Federalism, Decentralisation, and Devolution" by Uyangoda maps out the political and thematic composition of the discourse of state reform after independence. The chapter shows that initially, the debate unfolded on two conceptual binaries concerning the structural organisation of post-colonial Sri Lankan state, which was, first, unitarism versus federalism, and second, decentralisation versus devolution. These two binaries provided the foundation framing for the state reform debate. The chapter outlines this conceptual debate to show (a) how the state reform debate has been shaped by different turns and contexts of the ethnic conflict, (b) ways in which the ethnic conflict and state reform perspective influence each other, and (c) complex politics that shaped the trajectories of the state reform process itself. As the chapter shows, the debate becomes intense, such as when the ethnic conflict became a civil war and gave rise to new thematic controversies. The key controversies were centred on the following themes: Is devolution federalism by another name? Does it, or does it not, affect the unitary character of the state? (b) Is

devolution adequate to offer as an alternative to secession? (c) What is the acceptable extent to which devolution can reasonably be allowed and what is the nature and scope of the territorial unit of devolution? (d) What would the small minorities get in a regime of devolution? When the war ended in 2009, the state reform debate become reconstituted, which raised a new question about state reform: Is devolution relevant in the post-war context when the separatist threat to the state is no longer a factor in the island's politics? As the chapter shows, the intensity of these debates even defined but restricted the political space for carrying out any significant state reform agenda towards more devolution.

In the very last chapter of this volume, Marcelline and Uyangoda (2013) engage in the most interesting debate. The process of the status of state reform agenda in the aftermath of the defeat of the LTTE is presented in their account of "Post-Civil War in Sri Lanka The Dilemmas of State Reform." They assert that one of the strongest arguments against state reform in any manner during the civil war was the presence of the LTTE as a threat to the state. Granting more powers of autonomy to the north and east, while LTTE's secessionist threat prevailed, was seen as a politically imprudent and strategically suicidal policy option. Hence,

> It was in this context that many observers viewed the LTTE's defeat in May 2009 as a decisive turning point in the history of the island's ethnic conflict. The absence of the threat of secession, it was felt, would provide the space for the political elites of all ethnic communities to address the question of group rights of the ethnic minorities and move forward on an agenda of state reform that would democratise the social and ethnic bases of the Sri Lankan state (p. 294).

According to the authors, all efforts for political solution to the ethnic conflict failed as a result of unwillingness of both conflicting elites of Sinhalese and Tamils. The Rajapaksa government strengthened its power via a two-thirds parliamentary majority. The regime centralized state power and the President controlled state power through 18th Amendment.

Uyangoda and his co-authored studies are high-impact scholarly qualitative studies and comprehensively support the present thesis with guidelines and background of both the state and society during the reconstitution process. Given that the prime focus of his interpretation is of state reform during the post-independence period, during the war and in the post-war situation, he applies theories about ethnocracy, democracy, and peace-building in his studies, but he does not consider the latest state-in-society theory of Migdal.

Similarly, in "War Making and State Building: The Politics of State Reform in Sri Lanka," Marcelline (2014) studies past initiatives at state reform and identifies the impediments that caused the failure of such attempts from post-1983 up to present. The study employs the approach to look at state reform from the experiences and perspective of the political elites. The findings of the book reflect the behavior of the political elite vis-à-vis the question of state reform. The findings of the book are based on an archival survey of newspaper reportage on past attempts at state reform, election literature, and interviews with political leaders. The book engages in the condition for state reform in post-war Sri Lanka. Section One of the book indicates all efforts for state reform in chronological order and its continuous failure since 1983. Section Two is more insightful of the main argument of the inability of political elites to institute state reformation. The next section reveals constraints in the two decades of efforts for power sharing. The crucial finding of the section shows that "the LTTE captured and controlled a portion of

territory with a willingness to enter into a political engagement with the Sri Lankan ruling elite which stemmed from a desire to gain official recognition for the LTTE's de-facto state status" (p.47). The final section of the study provides more insights of post-war state reform in Sri Lanka with more details of recent events and difficulties to find political solution/state reform. This section considers modes of activity of economic, peace-building approach, and centralization process in the previous regime. However, Marcelline does not deal with contemporary developments of the initiatives to form a new constitutional solution.

The new research that compiled the constitutional reform process of Sri Lanka is the work by Welikala (2015a). "Sri Lanka's Long Constitutional Moment" brings the debate over constitutional reform into focus and leads to a number of important initiatives by the new government headed by President Maithripala Sirisena. The qualitative inquiry looks into the contemporary constitutional reform debate in Sri Lankan politics. This paper discusses the Nineteenth Amendment that promised constitutional reforms to the Constitution between the presidential and parliamentary elections, and the program of further reforms that the new government has promised. The Nineteenth Amendment was the centrepiece of a "100-day program" of constitutional and governance reforms offered by the current government at the presidential election, which, in addition to the reforms to the presidency, included other measures, such as a Freedom of Information Act and a reform of the parliamentary committee system. At the moment, other measures have yet to be fulfilled as more attention was paid to enacting the Nineteenth Amendment, in the face of the obstructionist tactics of the opposition parliamentary majority. The amendment was a welcome start, even though the proposal did not go as far as was expected. The enactment is hopefully a start to a series of much needed constitutional reforms to consolidate democracy and devolution in Sri Lanka. Whether the democratic reawakening indicated by the two elections of 2015 will be a success depends on both the

president and Prime Minister working together to complete the process. The elections have created an opportunity for constitutional reforms to take a more sensible approach in contrast to the past administrations. The maximum use of the opportunity is important for the nation to take full advantage of its economic, social, and political potential. This paper covers the recent state reform and constitutional making agenda of the present government, and mainly focuses on the 19th Amendment to the constitution and its challenges. The study, however, has not taken into account the recent initiative of new constitutional formation process and its present and future challenges, which must stress inclusiveness of minority into the state system.

2.5   Research Gap

Based on the literature review, theoretical and empirical gaps are identified. The first relates to state-in-society theory, where Migdal emphasizes the importance of expanding and developing an approach with a review of the role of the state-in-society. He looks into the elements of state and society that need to transform and constitute one another, but does not provide attention to how majority and minority parties are included and excluded when the state is constituted in the multi-ethnic set-up. In addition, the state-in-society approach focuses on informal and formal social forces that engage with the state on behalf of society. Different forms of forces, particularly how militant social forces form and how they deal with the state in the best interests of segment of the society, were not studied. Moreover, the plural or multi-ethnic society leads to state–minority contestations and civil wars. If the civil war ended via the influence of national and international factors, then the result might be a one-sided military victory. The weakening of the other side that was defeated in the war could have been made possible. This thesis

provides insight into these issues and attempts to expand Migdal's state-in-society approach through empirical findings.

The above literature review identified that previous empirical studies of the state of Sri Lanka mainly considered identity formation, state reform in the line of decentralization and devolution to find a resolution to ethnic conflict, war, and post-war peace-building/reconstruction, and economic liberalization. Hardly did any literature look at how state and society contest for domination of power from a state-in-society perspective in the Sri Lankan context, particularly after the July 1983 pogrom against the Tamils.

Writing this thesis is motivated by the features lacking in the literature on Sri Lanka, as well as the reading of Migdal's (1994, 1998, 2001a, 2001b, 2004) works on state and society. Previous empirical studies lacks review of how the state destructs militant social force and causes its failure in the context of national and international political developments, which took place after the September 11, 2001 attack in the United States. Finding studies about lessons learnt by the state and society through the long decades of conflict and destructive civil war was difficult. The literature review indicates a scarce literature examining the state's reluctance to introduce inclusive policies after the war. Further, the literature shows that previous studies were based on secondary sources and were sometimes biased. Hence, priority is given to field work to fill this gap. Overall, this thesis is an attempt to fulfill these theoretical, empirical gaps and contribute to policy implication to the national and international communities to forward the way to introduce inclusive policies to avoid future contestations.

CHAPTER 3: THEORATICAL FRAMEWORK AND RESEARCH METHEDOLOGY

3.1 Introduction

The previous chapter reviewed the literature on state formation and Sri Lanka. In this chapter, the researcher intends to illustrate the theoretical framework and outline the research methodology for a systematic study of the empirical data. This chapter starts with an overview of the state-in-society theory introduced by Joel S. Migdal and presents the conceptual framework of the research.

The next section of this chapter discusses the research methodology. A qualitative research method was selected to enable the researcher to provide accurate insight into the questions of this research. The following areas are then established: key categories of analysis approach, key category design, means of data collection (interviewing), and information-rich cases (how participants are selected). Pivotal interview questions are then presented. The chapter ends with a discussion on the validity and reliability of data derived from the methodology and research procedure. Chapters Four, Five and Six present these data and describes the analysis.

3.2 State-in-Society Approach

The theoretical approach of state-in-society developed over the past four decades, within the extensive writings of Joel S. Migdal, is used to study and analyze state-minority contestations in Sri Lanka. According to White (2013, p.4), the state-in-society approach is important because it encourages us to investigate not only those everyday social forces that challenge, shape, and reconstitute the authority of the state (a foundational concern in the everyday politics literature), but also the deep-seated ideational norms that simultaneously perpetuate the authority of the state over enormous geographic spaces (a far less systematically explored dynamic). The instruction to decenter state authority

while simultaneously retaining the normative idea of the state as a core unit of analysis distinguishes Migdal's state-in-society approach from those of his contemporaries in the field of everyday politics. Migdal established state-in-society approach within the political science discipline. His writings inspired a new generation of researchers to conduct a novel study of the relationship between everyday life and state authority.

Thaver and Thaver (2010)'s state-in-society model with its dialectic of images and practices, offers a productive theoretical corrective to state-centric and socio-centric views of state–society relationship. Attention to praxis restores equality between state and society, thereby freeing them from reification. However, the extent to which the state-in-society model hones actual practices in the mutual engagements of the state and society does not sufficiently focus on the bigger theoretical picture. This practice would substantially benefit from the stock of theoretical knowledge available in state-centric and socio-centric views. Notwithstanding this view, the state can be considered informed and altered by established relationships when other social forces engage with the state and vice versa.

Similar to other schools of thought, the state-in-society approach has its unique terms. This approach was developed from Migdal's scholarly works, specifically from his book on state-in-society; this book examines how states and societies transform and constitute one another (2001a). The central conceptual argument of his approach suggests a definition of the state that differs from the concept of Max Weber, wherein the former explains two parts of the definitions. According to Migdal (2001a, pp. 15–16), the state is a field of power that can use or threaten to use violence and is shaped by (1) the *image* of a coherent and controlling organisation in a territory, which is a representation of the people bounded by that territory, and (2) the actual *practices* of its multiple parts. This definition is structured around the practices and image of the state platforms and is 'the

core analytical and methodological' principle that runs through and defines state-in-society scholarship (White, 2013).
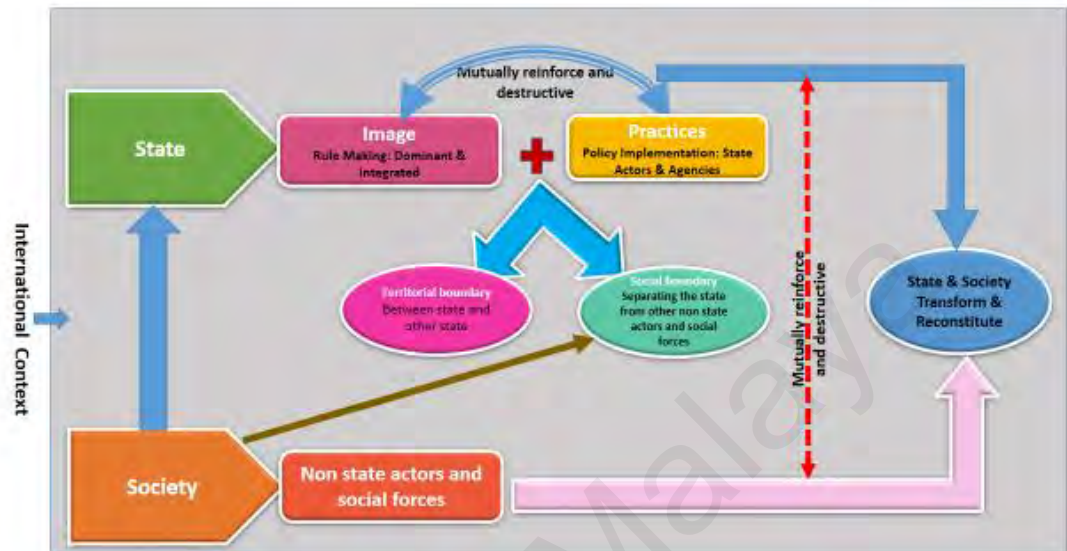
Figure 3.1: Theoretical Framework of the Research

(Source: Designed by Researcher from Migdal, 2001a, pp. 15-23)

The analytical explanation of Migdal (2001a, pp. 16–17) offers the following definition: in a given territory, the *image* of the state is of a dominant, integrated, and autonomous entity that controls all rulemaking either directly through its own agencies or indirectly by sanctioning other authorised organisations (i.e., businesses, families, clubs, and the like)[8] to make certain circumscribed rules. He portrayed the state as the chief and appropriate rule maker within its territorial boundaries. The image of the state or entity with two short boundaries is described as follows: (1) territorial boundaries

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[8] When Migdal (1994, p. 20) explains society, he prioritises social forces representing society and interacting with the state on behalf of society. Authoritative and autonomous forces in society shaped the state in as much as or more than they were shaped by it. Social forces in society represent a powerful mechanism for associative behaviour. These forces encompass informal organisations (e.g., Senegal's patron client networks or friendship groups and old-boy networks in other societies) and formal organisations (e.g., businesses and churches). They can also be social movements, including those held together by common, strongly motivating sets of ideas (even where obvious organisational ties are absent) (Migdal, 1994; 2001a; 2001b; 2004).

between state and other states, and (2) social boundaries separating the state from other non-state or private actors and social forces.

The image of the state also plays a part, wherein the second key aspect of the definition of a state is marked by its actual practices. The routine performances of state actors and their agencies could reinforce or weaken their image and strengthen or neutralise the notion of territorial and public-private boundaries (Migdal, 2001a, p. 18).

Image and practices may reinforce each other in the following illustrative case. The activities of state officials (e.g., issuing a passport, imposing a fine, or requiring all citizens to take surnames in a particular language) serve to accentuate in the minds of the citizens the idea of a single community bound by a single set of rules (i.e., the law) protected by the state. Migdal further suggests that image and practice may also be mutually destructive when the practice deviates from the image. When the state's legitimacy is weak, the state and state officials must contend with alternative sources of morality practices that may deviate from the image. As Migdal suggests, examining such fields of contestation will allow us to understand how "the state" transforms society and how social forces transform and constitute the state.

According to Migdal (1988), states and societies can be identified as weak or strong by applying the theories he introduced. He focuses his argument on the fact that states should concentrate on facilitating the process of qualifying everyone as a member of the state to obtain a single political status of citizenship. Migdal envisages that this status of citizenship can be declared to people, given the following conditions: (1) when the state has jurisdiction within specific boundaries; (2) when a situation arises where hegemonic control over society is possible; and (3) when the state is capable of instructing and implementing its survival strategies (Toit, 1995). The following factors virtually determine the survival of a state: the organisational capability of its leaders, population

size, potential material, human resource availability, and larger international configurations. A state that focuses on survival and gaining of strength should be capable of mobilising and integrating with society, regulating social relationships, as well as extracting and properly using resources. A strong state should be capable of completing the above-stated tasks because a weak state cannot complete such tasks (Migdal, 1988). The methods by which these capabilities are measured reveal the citizens' level of participation in governing the country, the legitimacy of the state, and the obedience of the populace. When a state is characterised by weakness, another social organisation would likely emerge with attempts to gain the control lost by the state with their survival tactics. When this situation arises, social control will be divided between the state and competing social organisations (Toit, 1995). Migdal defines social control as "the successful subordination of people's inclinations of social behaviour or behaviour sought by other social organisations in favour of behaviour prescribed by state rules" (Migdal, 1988). This definition suggests that a state may gain social control when the people respect and obey what the state prescribes without giving preference to the dictates of their desires. These prescriptions are embodied in state laws. The strength of the state depends on factors, such as high level of social control, one set of survival strategies, high level of capabilities and compliance, participation, and legitimacy. When these factors occur in reverse order, the state is judged as weak.

Theoretical Framework: Migdal's Theory of State in Society

Strong State:
Citizens Under Single Jurisdiction
Mobilize the Society
Capabilities to Penetrate Society
Regulate Social Relationship
Extract Resources
Use Resources Appropriately
(SS – Capabilities to complete these tasks; WS – Find it difficult)

In case of weak states is that another social organization can attempt to gain the control lost by the state and present their own set of survival strategies

Transform and Constitute One Another

Strong or Weak

State: Executive/Cabinet, Legislatures & Judiciary

Society: Social Forces (Informal & Formal)

Purpose: Struggles & Accommodations for Domination

Capabilities of SS measured by: participation by the citizen, legitimacy, compliance by the populace

04 Ideal Types of Junctures of States and Societies

(1) Total Transformation- State's Penetration: Destruction, Co-potation, or Subjugation of local social forces

(2) State incorporation of existing social forces

(3) Existing social forces' incorporation of the state: State's components spurs adaptation by dominating social forces or non-state social forces rise to the top

(4) State may fail altogether in its attempt at penetration

SS: Strong State, WS: Weak State

Figure 3.2: Theoretical Framework of the Research

(Source: Designed by Researcher from Migdal, 2001a, pp. 15–23; 1994, pp. 1–30; & 1998, pp. 21–22)

Aslan's (2013, p. 177) case study is explored through the "state-in-society' framework (Migdal, Kohli, and Shue, 1994; Migdal, 2001a), which emphasises that state and society do not exist independent of each other; the framework further highlights the necessity to consider the mutually transformative relationship between social actors and the state. In multiple meeting grounds among state and other social components, they occasionally reinforce one another and contest one another. Some social forces have tight relationships with the state for their wealth or have accepted the latter as an affirmed organisation on behalf of society to facilitate actual practices. State and social forces can be deemed as mutually reinforcing. However, the engagement between state and social forces sometimes concerns contestation for the agency in attaining ultimate autonomy to take

initiates and make decisions in given realms. Here, the contestation or struggle is one marked not by mutual reinforcement but by mutual exclusive goals.[9]

These struggles and accommodation in the junctures among the components of the state and other social forces have produced a range of outcomes. We can capture these results in four ideal types. The first one is a total transformation. Here, the state's penetration leads to destruction, co-option, or subjugation of local social forces and the state's domination. The second is state incorporation of existing social forces. The third is existing social forces' incorporation of the state. The state may fail altogether in its attempt at penetration. Apart from the state-in-society approach, the Global War on Terrorism (GWOT), wherein changes occur within the international context as consequences of the 9/11 incident, is also suitable for applying and gaining insight into the state and minority contestation in Sri Lanka as explained in the next section.

3.3 Global War on Terrorism

In the aftermath of the 9/11 Al Qaeda attacks on New York and Washington, the Bush administration began articulating a strategy of preemptive force in reference to the threat it called "global terrorism" or "terrorism of global reach." A basic assumption behind this strategy was the notion that terrorist operatives and resources must be removed pre-emptively before they could mount attacks (Sheehan, 2009, p. 744).

On 28 September 2001, the UN Security Council adopted an American-sponsored resolution within five minutes after the submission. The voting system encompassed five

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[9] Some forces, for example, have sought appropriate resources, positions, personnel, even entire bureaus of the state for their own purposes. Still others in society, such as peasants or slum dwellers, who were previously dominated by other social forces, have also occasionally made active or quiet resistance against the attempts of officials to impose new state domination (Migdal, 1994, p. 24).

permanent veto power members and other previously rotated states of the UN Security Council (Grodin, 2012). Resolution obligated all 191 UN Member States to take a wide range of measures to prevent future terrorist activities. Resolution 1373 required states to change and/or adopt domestic legislation to:

- Criminalise terrorist acts, including the support and financing of such acts;

- Deny safe haven to terrorists and prohibit any other support for terrorists, such as the provision of arms; and

- Cooperate with other states in the implementation of these measures.

Many of the measures mentioned in the resolution were present in two important conventions negotiated in the late 1990s, namely, the 1997 Convention for the Suppression of Terrorist Bombings, which entered into force in May 2001, and the 1999 Convention on the Suppression of Financing of Terrorism, which at that time still had not been imposed. Nonetheless, 14 Resolution 1373 made many of the provisions of these conventions binding on all states (Oudraat, 2004). The resolution also called for the creation of the Counter-Terrorism Committee (CTC) composed of member states of the Security Council to monitor the implementation of its measures; such declaration increased states' capabilities to fight terrorism (Deller, 2007).
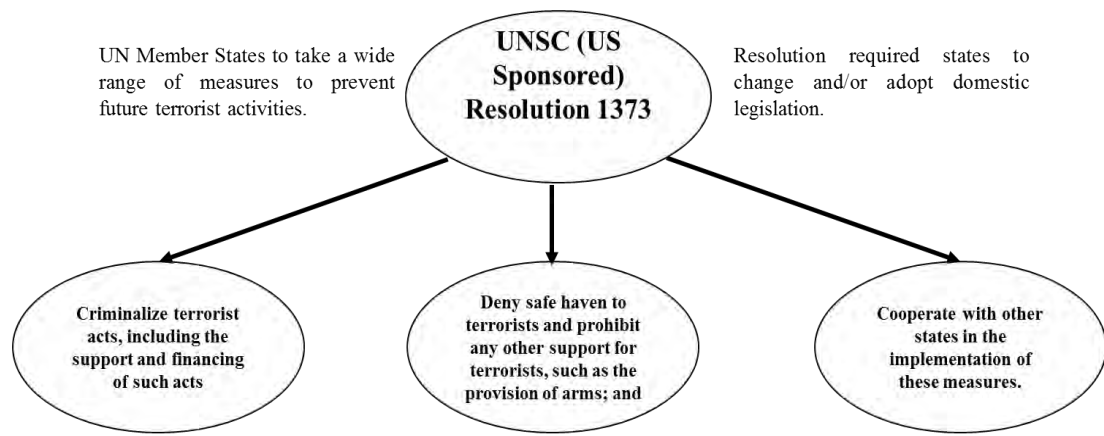
UNSC (US Sponsored) Resolution 1373

UN Member States to take a wide range of measures to prevent future terrorist activities.

Resolution required states to change and/or adopt domestic legislation.

Criminalize terrorist acts, including the support and financing of such acts

Deny safe haven to terrorists and prohibit any other support for terrorists, such as the provision of arms; and

Cooperate with other states in the implementation of these measures.

Many of the measures mentioned in the resolution were present in two important conventions negotiated in the late 1990s—the 1997 Convention for the Suppression of Terrorist Bombings, which entered into force in May 2001, and the 1999 Convention on the Suppression of Financing of Terrorism, which at that time had not yet entered into force.

Source: UNSC, 2001; Oudraat, 2004

Figure 3.3: Theoretical Framework of the Research

(Source: Designed by the Researcher)

3.4 Conceptual Framework

The conceptual framework of this study is built on Migdal's state-in-society approach (Migdal, 1994, 1998, 2001a, 2001b, 2004). His framework helped build a comprehensive picture of the connections between the state (image and actual practices) and society (formation and defeat of social force in the best interests of society) concerning state and minority mutual transformation and reconstitution in Sri Lanka. By highlighting these elements, this study successfully situated Sri Lanka's state minority contestation process in its civil war and post-war contexts. This framework is fairly useful in systematically organising and processing the complex data gathered from various processes of state minority contestation.

International Community

State (Strong / Weak)

Unitary State

Image & Practices (Rule-making & Implementation)

Society (Strong / Weak)

Multi-ethnic Nature

1st Objective

Formation & Defeat of Social Force

Strong State

Discrimination on Minorities (Policies)

Weak Society & Formation of Minority Social Forces

Weak State

Control a Portion of State Territory

Transform as Strong Minority Militant Social Force (LTTE)

International Community

Strong Unitary State

State Penetration into the Society

Defeat of LTTE & Weak Society

2nd Objective

Lessons Learned

Learned Lessons

Tactics to defeat of Secession & Armed Forces

Strengthen Unitary State

Learned Lessons

Impossible setting Power Sharing through War

Transform to Traditional Demand

Sate & Society Re-contestation

3rd Objective

Factors leading to avoid Inclusive Policies

Strong Unitary Majoritarian State & lack of Elites' consensus

Factors leading to avoid Inclusive Policies

Absence of Strong Social Forces

Figure 3.4: Conceptual Framework of the Research

(Source: Designed by the Researcher)

By considering the four objectives of the research and theory of state-in-society, this framework was designed to enable us to apply its concepts within the framework. The upper part of this framework includes a simple design of the theory (state image, practices, and society). The left side includes three important parts of the research questions (formation and defeat of social force, lesson learned, and factors for avoiding inclusive policies). The related concepts and each element of state-in-society approach in connection with the key questions were used within the framework. This study understands the required mechanics of the research design to address the key questions.

This process is a deep study that transcends the mere review of existing literature and legal documents. The study first investigates the unitary state and its discriminatory rulemaking towards the minority and then further develops the research process to focus on the transformation of a minority group that formed the social forces that subsequently led to civil war. The latter transformed the state into a weak institution at the end of civil war, which served as lessons to the state and the minority group. This study addresses the state's transformation into a strong institution, which resulted from the defeat of the strong social force at the end of the war. The state was reluctant to introduce an inclusive policy to avoid further contestation. Therefore, the state and the minority group's mutual transformation and mutual reconstitution attempts are studied based on this theory.

3.5   Research Methodology

To secure insights into the research objectives, what is required is the use of a qualitative research method. The method must assist the researcher to: examine the process of state-minority relations and explain the failure of the social force to institute a state reconstitution and embark on a new state formation project; explore the civil war's impact in terms of the aftermath lessons following this serious state-society conflict; and

identify the factors that prevent the state from responding rationally in order to avoid future conflicts.

This section on research methodology explains the research design, defines the qualitative methodology and "key category of analysis," provides the sampling process and data collection protocols, and determines the tools for validity, reliability, and data analysis techniques.

3.5.1 Qualitative Methodology and Key Categories of Analysis

This study is a qualitative analysis based on text analysis and qualitative interviews, supplemented with limited observations. In this section, the author discusses the methodology and its relevance to Sri Lanka. The qualitative method is mainly "preferred because it is considered best suited to the study, understanding and explanation of the complexities of social and political life" (Pierce 2008, p. 45). The strength of the method lies in its unique capacity through in-depth interviewing or elite group interviewing (Mcnabb, 2004, p. 101), observations, focus group discussions (FGDs), and unobtrusive measures (Esterberg, 2002, as cited in Mcnabb, 2004, p. 101). Qualitative interviews can provide a significant opportunity to observe, discover, and interpret information through close interactions and relationships with the respondents. In-depth interviews, which allow the respondents to talk at length regarding experiences, views, and events, could facilitate a useful opportunity for the respondent to express an opinion and respond freely. A close understanding of the interviewee's subjective interpretations and the meanings they prefer to assign and hold concerning views, behaviours, actions, and events are also helpful for the researcher. The researcher's close interactions with the respondents could also provide an opportunity to understand the process in which the latter build the logic of their arguments and the basic thinking behind their conclusions (Balcha, 2007, p. 15).

The main stakeholders of the state-minority contestations of Sri Lanka were considered as key categories in this study, namely, the state, society, and international actors. These key categories can be divided into several sub-categories (Table 3.1). Qualitative data are collected and analysed and used as bases for these key categories.

3.5.2   Research Design

This study is empirical research that collects the data based on the key category selected from different categories of the national and international stakeholders of the Sri Lankan conflict. Samples and the data collection process are within the framework of Migdal's theory of state-in-society and have been designed with the aim of helping the researcher address the key questions. However, when the categories of analysis were being conducted, the researcher checked the process of category selection based on the results emerging from the studies. He revised the pivotal questions based on the theory or selected other informants, by considering the need to obtain other details. The researcher went through each category several times during the three years of this research to conduct interviews or collect data through observations. Figure 3.4 illustrates the research design.
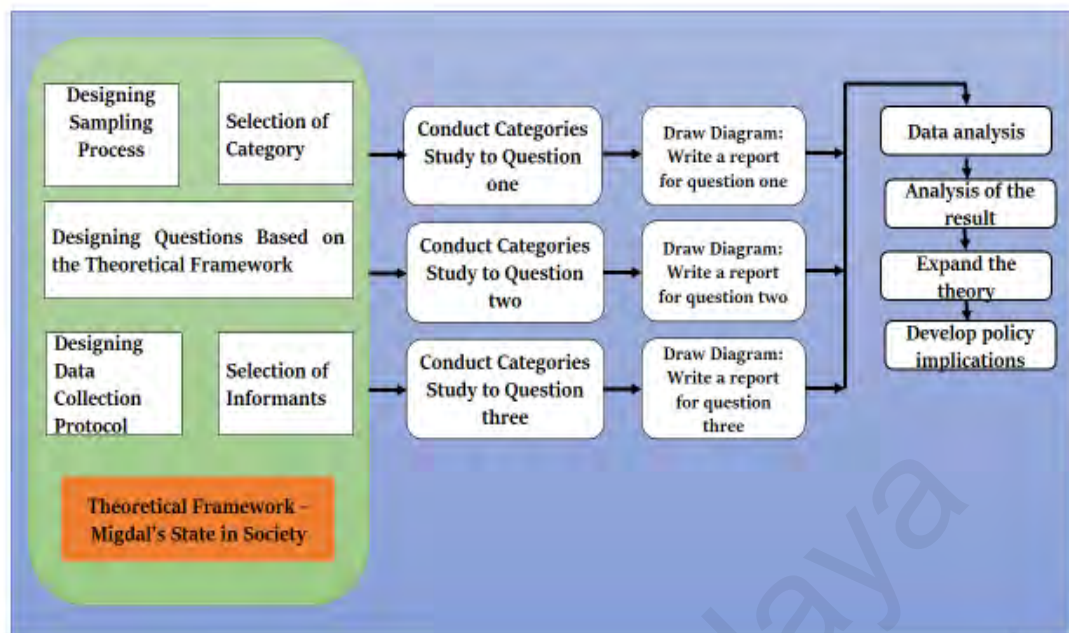
Figure 3.5: Research Design (Source: Drawn by the Researcher)

A data analysis process was prepared when the reports were written for each question. This process helped the researcher analyse the results and develop certain conclusion or policy implications regarding the state and minority mutual transformation and constitution.

3.5.3 Sampling Process

The three key categories include the state, society, and international actors. These categories are selected with a wide range of interests in mind to create maximum variations and obtain different perspectives. A strategy of purposeful sampling was followed to select the respondents of the category. Patton (2002, p. 240) states that "the selection process involved a purposeful sampling of information-rich cases. Information-rich-cases that can offer substantial information about central issues of the inquiry and that can be helpful in gaining in-depth insights rather than empirical generalisation" (Shyamika, 2013, p. 22). The three selected key categories are two national and one international actor to cover the local and international stakeholders of the contestations.

The local or national key categories are all living in Sri Lanka but with different features of political positions, hierarchical structures, ethnicity, religion, and culture (Table 3.1). International actors instrumental in the escalation of the conflict into a full-scale war and those defeated by the war were chosen as an international category.

Table 3.1: Selection of Key Categories

Key Categories	Sub Categories		
State	Political Elites	Bureaucratic Elites	Military Elites
Society	Majority Sinhalese and Social Forces	Minority Tamils and Social Forces Northern-N Eastern-E	Civil Societies or Non-governmental Organizations
International	States Inter-governmental Organizations (UN, EU, SAARC)	Non-state Organizations INGOs (Human Rights & Humanitarian)	Diaspora (Europe, North America, Canada and Asia) Pro-LTTE Anti-LTTE

Source: Designed by the Researcher

Table 3.2: Characteristics of the Key Categories

	State	**Society**	**International**	
Nature	Mainly Majority Sinhalese, but Tamils & Muslims also	Majority, minority, multi-ethnic, multi-lingual, multicultural etc.	States Inter-governmental Organizations and Non-state entity	Tamil Diaspora: Pro-LTTE & Anti-LTTE
Location	Representing entire Country	Majority entire country Minority- North & East	South Asia, Asia, Europe and North America	Europe, Asia & North America

Source: Designed by the Researcher

Table 3.3: Data Collected from Key Categories

S. No	Key Category	Sub Categories	No of Interviewees
1	State	Political Elites (National, Provincial & Local Representatives)	8
		Bureaucrats	4
		Military	3
2	Society	Majority Sinhalese and Social forces (Nationalists & Religious People)	5
		Minority Tamils and Social forces Northern – N Eastern – E	8
		Civil Societies or Non-governmental Organizations	6
		Stakeholders (Academic & Journalists)	3
3	International	States, Inter-governmental Organizations (UN, EU & SAARC)	3
		Non-state Organizations, INGOs (Human Rights & Humanitarian)	3
		Diaspora (Europe, North America, Canada and Asia) Pro LTTE & Anti- LTTE	4
Total			**50**

Source: Designed by the Researcher

The state is the first key category of the study. The Democratic Socialist Republic of Sri Lanka (formerly known as Ceylon) is an island in the Indian Ocean. The island is approximately 28 kilometres off the southeastern coast of India, with a population of approximately 21 million.

To understand the concept of the elites, as employed in this study, I draw on the work of Pareto. For Pareto (1935, p. 1422), non-elites are defined as 'a class that is ruled' while elites are 'a class that rules'. This ruling class comprises governing and non-governing elites. Pareto (1935: 1423-1424) further adds that ruling elites are "an organized minority with the political power to make decisions", a group that incorporates selected authorities

and civil servants as well as leaders from the military and business networks (Blake, 2017). In a similar vein, Frissen (2009: p. 99) states that elites are "those that execute power within the public domain, enduring as a societal group but contingent in their appearance". In accordance with Mills (1956), elites have been viewed as people who hold command positions in powerful institutions and organizations in society.

In this study which deals with majority-minority contestations in post-colonial Sri Lanka, elites have been chosen as a key category of analysis as they constitute an important part of the state, one that has also been responsible the ethnic conflict that has occurred. A noticeable point about ethnic clashes is that political elites incite viciousness in order to advance their own position in power. This situation has been referred to as the elite manipulation model, given the influential role elites play in violent ethnic conflicts (Fearon & Laitin (2000), as cited in Blake, 2017). Elite-based explanations point to the role of self-interested political leaders. These elites incite 'violent conflict along ethnic cleavages... in order to create a domestic political context where ethnicity is the only politically relevant identity' (Sambanis & Shayo, 2013). As Fearon & Laitin conclude in a respected literature review, 'ethnic violence is provoked by elites seeking to gain, maintain, or increase their hold on political power' (cited in Gagnon, 1994).

Four sub-categories identified in this research are major stakeholders of the state. Ruling elites of the state are mainly from the Sinhala majority community. They are historically and presently strengthening the unitary structure of the state and are making policies as well as rules, which marginalise and exclude minorities from the state system. Some minority political elites are also members of these ruling elites. Elites of the opposition political parties are another crucial category of the state.

These categories (ruling and opposition) alternatively come to power. The bureaucrats serve as an apparatus for making and implementing the policies in the country. They

comprehensively believe that their role becomes another factor explaining the protracted conflict in the country. Roles of the military are another key factor in the third-world post-independent South Asian countries, such as Pakistan, Bangladesh, Afghanistan, Nepal, and India. The military has a strong influence in these countries since the 1950s to the present. In the case of Sri Lanka, the military played a primary role in conflict and war. Presently, the government of Sri Lanka is facing international war crime allegation. A resolution was submitted to the UNHRC for an impartial investigation of the war.

The second key category of the research is society. Sri Lankan society is home to a multicultural society with a culturally, ethnically, and religiously diverse community. The Sri Lankan census of 2012 divided the population into Sinhalese (74.9), Sri Lankan Tamils (11.2), Indian Tamils (4.1), Sri Lanka Moors (9.3), and others (0.5) (Department of Census, 2012, p. 20). This ethnic diversity and identity-based contestations are the basic factors for the state–society struggle for domination of power. The majority of the Sinhalese and Sri Lankan Tamils are a sub-key category of the present study. Sri Lanka consists of nine provinces. Sinhalese are a majority in the seven provinces, whereas Sri Lankan Tamils are a majority in two provinces of the Northern and Eastern parts, where they demand a Tamil state. Social forces of both ethnic communities were considered in this study.

The final key category is an international factor. This category consists of state actors that have been engaged in the protracted conflict and war, with special emphases on regional actors (India, Pakistan, and China), which comprises others. These states and inter-governmental organisations were selected based on their geographical and strategic ties to Sri Lanka; this included that grounded their direct involvement in the war. The other sub-category of the international factor is non-state actors, especially the Tamil Diaspora and International Non-governmental Organisations (INGO). Understanding the

international dimension and interference in Sri Lanka could usefully provide insights into the intra-state conflict and war in the globalised world.

3.5.4   Data Collection

We employed purposeful sampling when selecting the respondents. Patton (2002, p. 240) states "the selection process involved a purposeful sampling of information-rich cases. Information-rich-cases are those that can offer substantial information about central issues of the inquiry, and that can be helpful in gaining in-depth insights rather than empirical generalisation" (Shyamika, 2013, p. 22). The data for this research was collected using multiple methods, constituting an extensive literature survey to gather documents written on the post-independent state formation and state-minority contestations of the country, 50 in-depth qualitative interviews (November 2015–April 2016 and additional interview in April 2017) and supplement with a process of limited field observations and reflections. The two-step approach was followed for the qualitative data collection in 2013 to 2017.

The first component of data collection of the fieldwork was carried out based on in-depth interview with interviewees using semi-structured interview guide. This method allows freedom of expression for the participants while enabling the researcher to concentrate on specific areas. The "funnelling" technique used (whereby questions are broadly framed) preceded the more probing questions (Rameez, 2015). This process allows participants the freedom to respond freely. Interviews are viewed as "direct conversation." These informants (50 in total) can be divided into the following categories:

-    Elites, especially political elites, were chosen as respondents as "people who exercise disproportionately high influence on the outcome of events or policies in your research area" (Pierce, 2008, p. 119). Fifteen elites in the national

and local levels were interviewed regarding their views and experiences during the war and post-war conflict situations as well as the lessons to the state and society they gleaned from the destructive war. The sample of elites focuses openly on official and non-official position holders possessing background knowledge on state and societal transformation and reconstitution. They further share their experiences in the field of legislation, policy, and its implementation in the island, thereby encouraging their objectivity towards past attempts and post-war opportunities for state reconstitution and experiences in this field. They are ministers in the central government and provincial level, members of the parliaments/provincial council/local councils (government and opposition), and administrators/civil servants in the central/provincial/local level nationwide. "They may influence outcomes without becoming directly involved through what Friedrich (1973, as cited in Pierce, 2008, p. 119) termed the law of anticipated reactions." The views (especially from elected representatives and administrators) were assessed to obtain the opinions and perceptions of experts from within the system, who, by assessing the policies and implementation, simultaneously reflect on their individual roles. Some of them have been in extremely close engagements with the country's political authority for long periods of time. Their information and ideas are crucial but are undocumented.

- Next step: other major stakeholders were interviewed.

- Three academics, three journalists: five majority Sinhalese and social forces and eight the Tamil minority and social forces were chosen to understand their perspectives in the matter of maintenance of a unitary state and demand for a federal solution. They must explain the lessons they learned from the conflict and destructive war by the state and society to accommodate the minority into the state system through state reconstitution in the aftermath of the war.

- Related Civil Society or NGO members (civil society or the NGOs active in the country were selected, namely, three from the Sinhala area and three from the Tamil area, for a total of six members).

- International actors were selected: three state and inter-governmental organisation representatives, three INGO representatives, and four Tamil diasporas (a total of 10 representatives).

The researcher's immersion as an academic and peace builder in Sri Lanka among the multi-ethnic communities consequently afforded him access to first-hand data. The local people's trust in the researcher facilitated the process of gaining comprehensive information during the interviews. The researcher is part of the research because he has been in contact with key categories for years and knew how to establish contacts with people in the country. This given situation assisted in ensuring the reliability of the data.

The pivotal interview questions were divided into the following four categories:

1. Questions on the previous experiences of protracted ethnic conflict investigate how image and practices of the state transformed society to form the strong social force (LTTE) and how society challenged and weakened the unitary state. The responses provided information to these questions regarding mutual transformation at an early stage. The answers show the factors that contributed to the formation of a strong social force and the factors that contributed to weakening the state.

2. Questions regarding the defeat of the LTTE provide additional knowledge on national and international factors, which contributed to the defeat of a strong minority social force and the weakening of society. These questions help obtain details on the total transformation of society and the strengthening of the state in the contestation process of state and societal reconstitution.

3. Questions regarding the outcomes of war provide insights into the key lessons learned by the state and society resulting from the destructive war in the last three decades. Answers show politics and counter-politics still lingering after the war situation, which perpetuates the state-minority contestation and intra-state rivalries.

4. Questions regarding the factors that contributed to the state's reluctance to introduce inclusive policies to avoid further contestation help the researcher understand the present context in the state and society reconstitution process. Responses to these questions indicate various factors that prevail in the state, society, and international actors to the state's reluctance to introduce inclusive policies to avoid further contestation.

This study additionally sheds some light on the questions of how state reconstitution discards the project. Civil society representatives and citizens were interviewed to obtain the perspective of the "users" as social workers, thereby providing a critical "outside view" on the functioning of state and minority relations. Interviews were carried out with the International State actors, INGOs, and Tamil Diaspora community. These interviews aim to capture the view of the international community and the war-affected Sri Lankans living abroad, including their perception on the issues of accountability and their contributions to state reconstitution attempts. All sources of information were finally used and discussed to support the argument of the thesis.

These pivotal questions revealed to the researcher state-minority contestations for power domination during the war and which factors contributed to the failure of a strong militant social force. The researcher also successfully explored the lessons learned by the state and society as a result of the war. Answers to these questions provided the actual opinion and willingness of the categories regarding the necessity for inclusive or

exclusive policies. These questions helped the researcher explain the findings. These questions were carefully studied to conform to the theoretical framework. The sub-questions used in these interviews were added to the thesis as an Appendix.

Approximately 60–80 minutes were the allocated time for each interview session with a few extended interviews. Occasionally, the interviewees were interviewed more than once because the initial interview may not have been fully completed due to the respondent's busy schedules and other obligations. In each interview, the first five to 10 minutes were spent on self-introduction. Moreover, 50% of the interviews were conducted in English, with the rest in both Sinhala and Tamil languages. When the author allowed the respondents to talk in their mother tongue, they provided deeper insights into the ethnic conflict, war, state, strong social force, lessons learned from the war, and the reconstitution process. The languages caused the conflict in Sri Lanka.

3.5.5   Validity and Reliability

Initially, two important steps were followed to validate the questionnaire in this study. First, Prof. M.A.M. Rameez, who is an expert in this field and understands the research topic read through the questionnaire. He evaluated and commented on how the questions could effectively capture the topic under investigation and identified the lapses (Collingridge, 2014). The researcher worked to accommodate his suggestions and revised the questionnaire accordingly.   Second, Dr. Aboobacker Rameez, an expert in questionnaire construction, checked the questionnaire for common errors like double-barrelled, confusing, and leading questions. The researcher re-arranged the questionnaire accordingly, after having considered his comments.

Further, triangulation was used as a tool to increase validity and substantiate the findings (Yin, 1994; Stake, 2005, 2013). Triangulation is an internal consistency method

that attempts to gather additional data while applying the same research design (Bellamy, 2011). In the current research, the two other data resources included the "direct limited observation" as well as the "documents and reports." These resources increase the trustworthiness of the research, considering that the researcher can check the data at least from two other sources.

For direct observation, the researcher was required to be in the field several times. The researcher was in the field over three times for data collection and once for the purpose of observation. Reports regarding state institutions, NGOs, and international organisations dealing with the war, human rights, and humanitarian laws and their violations were used as tools for data checking.

3.5.6   Data Analysis: A Critical and Interpretative Approach

The researcher used diagrams for the questions to show the relationships among the key categories of the stakeholders regarding the conflict in Sri Lanka. Set diagrams, in particular, provide powerful tools to clarify the logic of qualitative methods and to report the findings employing qualitative research designs (Mahoney & Vanderpoel, 2015). In quantitative political science, several scholars have shown how diagrams and graphs can streamline the presentation of data, ease the interpretation of findings, and communicate results with greater precision (Beck, 2010; Kastellec & Leoni, 2007; King, Michael, & Jason, 2000 as cited in Mahoney & Vanderpoel, 2015). Theoretical and conceptual frameworks have been used to support data analyses.

This study was designed and conducted using a critical and interpretative approach, originating from critical theory and constructivism. A critical interpretative approach is one whereby the researcher is deemed part of the research process and endeavours to

uncover meaning and gain an understanding of the context they are researching (Hessler, 1992; Ticehurs & Veal, 2000; Dooley, 2001).

Qualitative data analyses were conducted through critical and interpretative approaches. These approaches entail classifying, weighing, and combining empirical materials from the interviews, observations, and field notes. These processes were successfully followed in the current study. Transcribed interviews, field notes, and observations were analysed to extract coherent and consistent descriptions and themes, which should eventually bring about conclusions that conform to the study's research questions.

3.5.7   Limitations

Selecting the key category study was extremely helpful in producing empirical data. However, certain limitations are identified regarding the use of this method and are sequentially outlined in this section. First, the categories must be limited to the three components of the stakeholders for various reasons, especially due to time and cost constraints. An absence of extensive focus on Muslims and Sinhalese minorities is observed in this study. These minorities are substantially living in the Northern and Eastern Provinces, where the larger Tamil Minority demand for a federal solution with the support of the international community. If these two categories are considered, the researcher could provide an intensive and extremely accurate insight regarding the state and societal contestation. This process would also identify issues and problems in generalising all categories of society. However, a project of such magnitude is beyond the scope of this study.

The second issue is the categorisation of Sri Lankan and Indian Tamils. In Sri Lanka, upcountry or Indian Tamils are another considerable community living in Sri Lanka, whose grievances and standpoints regarding the concerns of the state and societal transformation and reconstitution require further study.

Third, a similar kind of contestation for power domination has occurred in many countries, such as South Africa, Sudan, Northern Ireland, and so on. Amicable solutions were attained through inclusive mechanisms. A comparative study of these countries with a Sri Lankan context would offer additional insight into the application of suitable policies and mechanisms to avoid future contestation in Sri Lanka.

These three limitations failed to prevent the current research from making generalisations is important. This acknowledgement is crucial because of the representation of the key categories of analysis using a method of purposeful sampling information-rich cases, which covered a range of spatial, class, and ethnicity issues.

3.6   Summary

Overall, this chapter focused on the theoretical framework of the study in relation to state-in-society approach and GWOT. This chapter continued with a discussion on the conceptual framework of the study that captured significant concepts and ideas, which are guiding principles for conducting this research. The next qualitative methodological aspects of the study are broadly discussed under several subtitles. This section particularly describes research design of the thesis, sampling, data collecting technique, validity and reliability of the questionnaire and data, and a critical and interpretative approach of data analyzing. The next chapter deals with the empirical evidence, along with an analysis and discussion on how the state and society transform and (re)constitute one another.

CHAPTER 4: STATE AND SOCIETY MUTUALLY TRANSFORM AND CONSTITUTE ONE ANOTHER

4.1   Introduction

This chapter explores how the unitary state of Sri Lanka is constituted and the root causes for state-minority contestations in the post-independence era. The research focuses on the state's unitary image, rule-making capacity, and actual implementation of state policies by state institutions and the bureaucracy. It describes the discriminatory policies of the state and the minority's response, by demanding the state's reconstitution from a unitary to the federal system. The chapter examines the mutual transformation of state and the Tamil minority during the civil war and post-civil war periods. It pays special attention to the state's penetration and the defeat of a strong social force (the LTTE - who challenged the state on behalf of the Tamil minority) and identifies factors contributing to the failure of the minority's social force.

In each section of the chapter, the following two questions are addressed. At the same time, explanations and descriptions are provided based on the interviews and observations.

1.   Questions on the previous experiences of protracted ethnic conflicts investigate how the image and practices of the state transformed society into a strong social force (LTTE) and how society challenged and weakened the unitary state. The responses provide information regarding mutual transformation at an early stage. The answers show the factors that contributed to the formation of a strong social force and the factors that weaken the state.

2.   Questions regarding the defeat of the LTTE provide additional knowledge on national and international factors, which contributed to the defeat of a strong minority social force and the weakening of society. These questions help obtain

details on the total transformation of society and the strengthening of the state in the process contesting state and societal reconstitution.

For this purpose, Figure 4.1 explains the relationship between each category in relation to the mutual transformation and constitution of state and society. It also addresses how the international context shaped state and minority contestation in Sri Lanka.
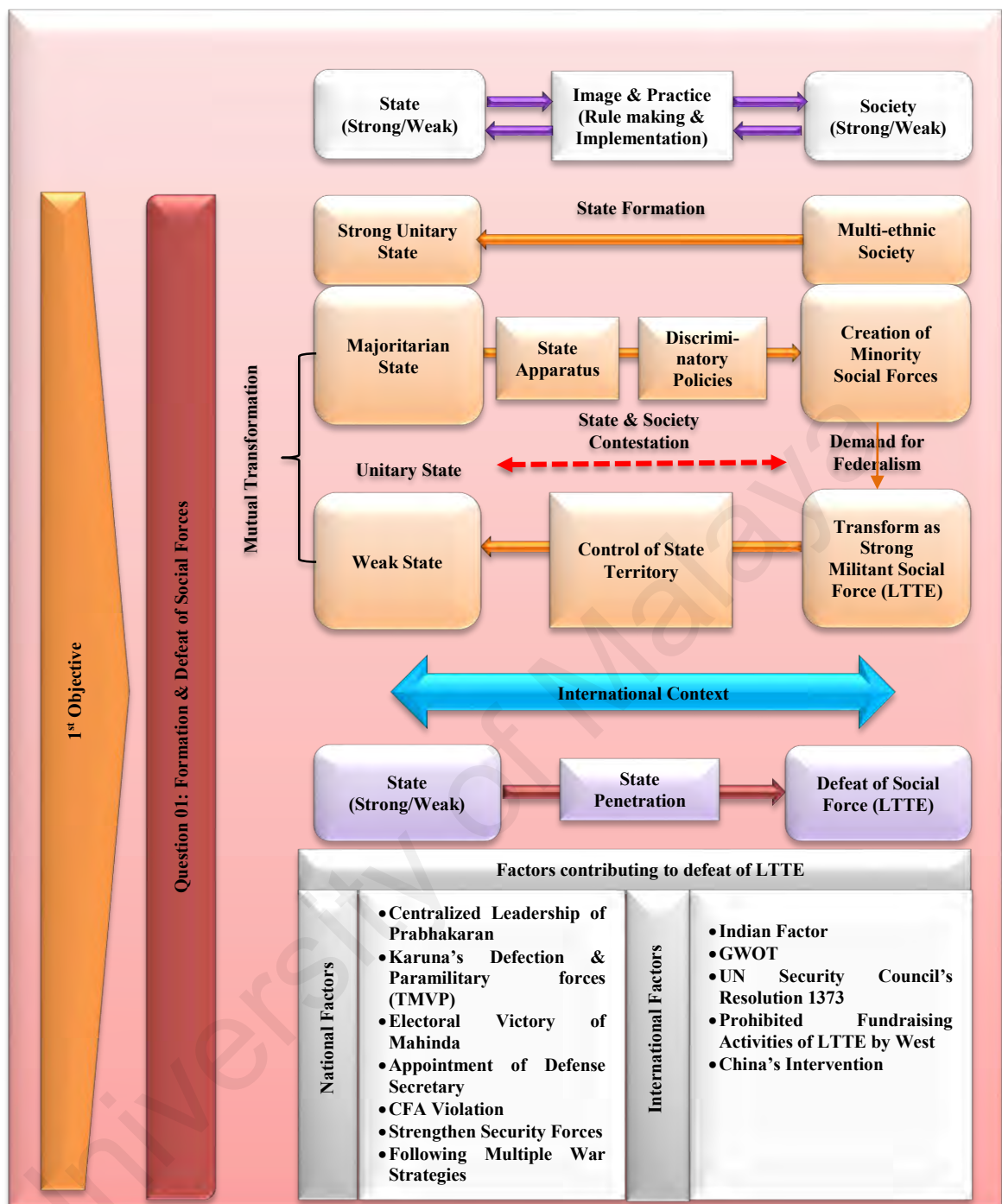
Figure 4.1 State and Society Mutual Transform and Constitute One Another

(Source: Designed by the Researcher)

4.2 How the Unitary State of Sri Lanka is constituted?

In multi-ethnic Sri Lanka, the Sinhalese form the majority while Tamils and Muslims constitute the minority. Sri Lanka's state structure is a highly centralised unitary model and a product of its colonial legacy. It was introduced to reproduce the British unitary

state model or Westminster system, which was characterised by political and administrative centralisation.

This section explores the foundations for the unitary state structure during the British colonial period. Sri Lanka was colonised by Europe from the 16th century to mid-20th century. It was first colonised by the Portuguese (1505-1658) and then the Dutch (1640-1796) (Orjuela, 2004; Yogasundram, 2013). The coastal low land of Sri Lanka fell to the control of Great Britain in 1796 when the Dutch relinquished their territory. With the capture of the Kandyan kingdom in 1815, the entire island was consolidated under British rule and would remain so until independence in 1948. The fault lines between the state and Tamil minority that emerged during the civil war were drawn during British colonial rule from 1815 to 1948 (Bandarage, 2010).

The British introduced a centralised administrative system via political reform. The Colebrook Commission recommended a tighter degree of centralisation (Wilson, 1988). The Governor and his Council were to govern the entire island.[10] To maintain British centralised unitary rule in Sri Lanka, they had to generate an educated class to provide administrative and professional services in the colony. For this purpose, the British promoted the English language via a Christian missionary educational system. In the first three decades, however, the growth of Christian missionary efforts was slow. Gradually, by the late 19th century, most members of this emerging class were associated directly or indirectly with the government (Reddy, 2003; De Silva, C.R., 1997). They emerged as

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[10] The number of provinces was reduced from sixteen to five – Central, North, South, East, and West – each under a government agent. This new set up was put in place to reduce the isolation of the Kandyan Sinhalese hill-dwellers. The formation of a homogeneous nation and a uniform system of administration as envisioned by the British had its challenges with the separate existence of the Kandyans. Hence, Britain was determined to rid the Kandyan Sinhalese areas of the influence of their native chiefs (Wilson, 1988, pp. 3-4). Above mentioned five divisions were later increased to seven, one being added in 1845 and the other in 1873; and again made into nine in 1889. With these units the ideology of a uniform administration was implemented materially by creating an infrastructure of new roads that connected the main traditional territories with each other and made Colombo the capital (Fernando, 2013; Ghosh, 2003, as cited in Bandarage, 2010). The locus of political control was firmly based in the capital city of Colombo on the southwest coast, and no legislative or executive powers were devolved to the provinces. In fact, the amalgamation of different regions into one single unit (unitary political structure) was more associated with the British geopolitical interest in maintaining the island as a strategic location for controlling the Indian subcontinent than with administrative purposes.

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elites in Sri Lankan politics and started to influence several organisations to promote socioeconomic, political and cultural issues of the society. One of the leading organisations formed was the Ceylon National Congress (CNC). These organisations were called for constitutional reform and all their activities culminated in the formation of a broad coalition of various English-educated elites belonging to different ethnic groups and religions.

British rule in Sri Lanka crystallised the polity into territorial centralisation and social control under a unitary model of state structure (Migdal, 2001b). These efforts created ethnic contestation among Sri Lanka's diverse communities from 1920 to 1930. The British in their political interest of keeping order in the strategically located island devised ways of introducing political reforms. The competing ethnic groups were at variance over the share which each should have in the communal distribution of seats. The minority groups wished to secure their position through specially carved-out communal electorates, but the Sinhalese majority demanded territorial representation as their natural right. Consequently, ethnic tension increased within the unitary polity that the British were trying to construct. The Manning Reforms pandered to the 'high' cast, landed Kandyan elite rather than the new elite, who were forming the Ceylon National Congress (CNC) that began to cut across ethno-nationalist and social divisions. Manning managed to detach the Kandyans from the CNC by extending the communal principle and giving them separate representation. Tamil leaders left the CNC in 1921 because they were not given representation in the Western Province by the Sinhala leaders of the CNC. The Tamils formed the Ceylon Tamil Congress (CTC) (Wickramasinghe, 1995, p. 44, as cited in Fernando, 2013). As a result of the colonial state system and attempts to divide Sri Lankan society, Tamil leaders were compelled to form a separate social force to transform and reconstitute the prevailing state system.

The representation consisted solely of the elites of the particular communities, as the colonial economic system created new classes of people who had to compete with each other for trade, land, education and employment; thus, the communal perceptions began to spread among the masses. New social classes emerged who perceived the past through the lens of race and voiced the grievances of each particular group. These groups were mainly Sinhalese, Tamils, Indians, Muslims, Burghers, Malays, and Europeans. In the wake of the many constitutional reforms that were suggested by the colonial government and the rise of Sinhala Buddhist nationalism, these groups also formed ethno-nationalist, religious and regional political organisations in an attempt to obtain or secure their political representation within the colonial system. Under the new economic and political circumstances, the selective reading of the past was accompanied by selective amnesia about interactions and exchanges with the other communities. The 'pasts' were conditioned by the colonial recycling of pre-existing perspectival knowledge which formed the communal thinking (Fernando, 2013, pp. 184-185). On the one hand, at the beginning of the 20th century, the British tried to construct an educated group in Sri Lankan society to continue their centralised administrative system. While on the other hand, the elites or middle class who were formed by the British became rivals based on communal representation, the reason why state-minority tension slowly developed.

In 1931, a new constitution was introduced in Sri Lanka known as the Donoughmore Constitution. When it came to the implementation of the Donoughmore proposals, the actual working of the scheme left much to be desired. Centralisation was no doubt maintained. In that, the power concentrated in the hands of the Governor and three British 'Officers of State' with key portfolios (Wilson, 1988, p. 13). The British ministers collectively handled responsibility for defence, external affairs, finance and judicial matters. This is further proof that the British introduced a unitary state structure to achieve their imperial interests.

Moreover, two of the most important reforms that were suggested concerned elections and electorates. The previous communal electorates, which had been intended to safeguard the rights of minority groups in Ceylon, were abolished. In their place, territorial constituencies were substituted on the grounds that the continued existence of communal electorates would encourage a spirit of divisiveness among the Ceylonese people. The minority groups were unhappy with this change. One of these groups, the Tamils, boycotted the first elections under the new constitution (Sampaolo, 2016).

It introduced universal adult franchise in the country for the first time which gave the Sinhalese such a numerical dominance in terms of seats over the other communities which was not asked for by the CNC leaders (Russell, 1982). With this development, the Tamil fear of being overwhelmed by the majority Sinhalese intensified. They started demanding 'balanced representation' in any future reformed legislature, which meant that 50% of the seats be reserved to minorities which largely consisted of Tamils. Against this background, the talk of Sri Lankan society as being multi-racial or multi-ethnic naturally appealed to the Tamils (Ghosh, 2003).

The Pan-Sinhala Board of Ministers continuously requested constitutional reform from the Governor and the British government. A resolution was passed by the State Council of Ceylon in March 1942 demanding "the conferment of Dominion Status on Ceylon after the war" and requesting assurance from the British Government to that effect (Cooray, 1995, pp. 33-34). In 1943, the British government declared that after the war, constitutional reform and local civil administrative responsibility would be given to Ceylon.[11] Accordingly, the Soulbury Commission was sent by the British government

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[11] Cooray (1995, pp. 34-35) describes that: On 26 May 1943 a Solemn Declaration made by His Majesty's Government stated that the post-war re-examination of the reform of the Ceylon Constitution would be directed towards the grant to Ceylon of full responsible government under the Crown in all matters of internal civil administration. His Majesty's Government would retain control of defence and external relations… The Declaration also invited the Board of Ministers to submit proposals for a new Constitution in accordance with the terms of the Declaration, these proposals would then be examined by a Commission or Conference.

to Ceylon in 1944 to examine a constitutional draft prepared by the Ceylonese ministers of government and, on the basis of it, to make recommendations for a new constitution. A House of Representatives was created with complete power in domestic affairs, and only external affairs and defence were relegated to the British governor-general of Ceylon. Following independence in 1948, this constitution was slightly altered to remove the last items that were inconsistent with complete self-government.

Thus, the unitary state envisaged by the Soulbury Commissioners included too many challenges stripping it of its safeguards especially as it seems to have been riddled with attempts by the ethnic majority to claim rights for itself based on incorrect analogies from history. Its substitute was the dictatorship first of the Cabinet (1948 – 77) and later of the Executive President (1978) which placed the Ceylon Tamil ethnic minority in particular at the mercy of an ethnic majority unaccustomed to the exercise of power.

The state formation process in Sri Lanka, which the departing British had presumed would result in the development of a 'Ceylonese' consciousness thus took an ethnic turn and proceeded towards the creation of a 'Sinhalese' state. The majority Sinhalese assumed control of the unitary state left by the British imperialists. After independence in 1948, however, it was not long before the ethnic and social tensions overtook the inadequate safeguards built into the British-designed Westminster unitary state system of parliamentary democracy. Democratic elections resulted in one or the other of the major Sinhalese political parties – the Sri Lanka Freedom Party (SLFP) and the United National Party (UNP) – coming to power with each party out-bidding the other in ethnic nationalist rhetoric.

4.3   Image and Actual Practices of the State: Rule-Making and Implementation

The image of a post-colonial majoritarian unitary state in Sri Lanka was dominant enough to control all rule-making processes that led to social control. The image of the state promoted the expansion of the dominant majority group in contested territories and its domination of the power structure while maintaining a democratic frontage. In the case of the actual practice of the state, the dominant majority ethno-class appropriated the state apparatus and attempted to structure the political system, public institutions and the state culture in order to further its control over the states and its territory. In this regard, state policies were formulated and implemented to safeguard and satisfy the majority Sinhalese and targeted their electoral support while the Tamil minority were discriminated. Such leading policies were the Citizenship act, Sinhala only language act, land policies, university admission and employment policies. Due to these circumstances, the Tamil minority, who felt that they were being alienated from the body politic as well as having their culture neglected, challenged the island's post-colonial trajectory. As a result, domestic rivalries developed which accentuated the ethnic and religious divisions within the country.

In practice, the citizenship of Indian Tamils and Pakistanis was ruined by the state of Sri Lanka. Through the Ceylon Citizenship Act no. 18 of 1948 and Indian and Pakistani Residents (Citizenship) Act of 1949, the aggravated minority Tamil population in Sri Lanka were stripped of their citizenship rights. These Acts made it constitutional for Indian Tamils to be excluded from participating in the political and economic sphere of their country. Thus, by this legislative enactment, the image and practice of the state had reduced the Tamils' political strength and rights to a farce (Rabushka & Shepsle, 1972). This law denied the Indian Tamils their political participation, and they lost their representatives at the parliamentary elections held in the years of 1952, 1956, 1960, 1965, and 1970.

Bandaranaike,[12] the former Prime Minister, strategically used marginalisation during the colonial English language policy as a supportive base for the electoral victory in 1956 (Bandarage, 2010). "In 1956, while discontent with the UNP grew, Bandaranaike was able to tap into Buddhist religious fervour as the country celebrated the two thousand five hundredth years since the Buddha's death to restore the island's historical legacy as the Sihaladipa (island of the Sinhalese) and Dhammadipa (island of the Buddha's teachings)" (De Silva, K.M., 1981, p. 517, as cited in Bandarage, 2010). The growing Buddhist social force was accomplished to deliver the growing social and economic apprehensions in the rural areas of the country (Halliday, 1975). Bandaranaike's SLFP and politicised Sinhala Buddhist forces formed a coalition - the People's United Front (Mahajana Eksath Peramuna [MEP]) – to win the 1956 general election. MEP's foremost electoral campaign and manifesto was to make Sinhala the National Language within 24 hours if they came to power. Immediately afterwards, the Official Language Act No. 33 was passed in Parliament, making Sinhala the sole official language, amidst protests by Tamil people and the left-wing parliamentary groups.

When the SLFP replaced Sinhala as the official language (The Sinhala Only Act), it effectively excluded minorities, including many English-speaking Sinhalese and Burgher communities, as well as Tamils and Tamil speaking Muslims. A turning point in Sri Lankan politics was the Sinhala Only Act of 1956, which made Sinhala the sole official language and restricted many government jobs to Sinhala speakers (Heidorn, 2006, p. 06). This disastrous policy triggered the first inter-ethnic riots since independence, with Tamil shops looted and burnt in Colombo after a peaceful Tamil protest was disrupted by Sinhalese nationalists (ICG, 2006. p. 03). The enactment of the language policy was

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[12] In 1951 Bandaranaike left the UNP owing to leadership confrontation and he formed the Sri Lanka Freedom Party (SLFP). The new party contested in the 1952 general election and it was able to win only a few seats.

widely seen as a two-pronged move of reducing the position of Tamils in state services and increasing the access of the Sinhala-educated to prestigious jobs (Abeysekera, 1985. p. 243).

Tamil leaders claimed that the Sinhala language legislation would bring in an era of 'apartheid' with Sinhalese as the 'masters and rulers' and Tamils would be forced to 'accept subject status under them'. Chelvanayakam argued that in the absence of linguistic parity, Tamils had no alternative but to seek 'Federalism or Separatism'. Even Ponnambalam who was opposed to federalism began to say that the Tamils might need to launch a movement for self-determination[13] (Kearney, 1967).

This political mistake which was in favour of the majority community was the root cause of ethnic rivalry and its escalation into full-scale war. Potential efforts were taken to consider the Tamil language as equal to the Sinhala language in the constitution as a compromise to the Tamils, though the state failed to implement this in the service delivery institutions.

In order to fulfil its national development strategy, the Sri Lankan state developed a range of policy measures that benefited the peasantry as a class. Land settlement schemes were introduced where state-owned land was developed and distributed among the landless peasantry. The first set of policies distributed state-owned land. The second aimed at reforming tenure arrangements (Bastian, 2009). The Gal Oya Development Scheme was the first major multi-purpose development scheme venture by the post-

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[13] As more and more Sinhalese sought government jobs, they felt that their opportunities were thwarted by prior entrenchment of Tamils in public service (Vittachi, 1959). Although Sinhalese were about six times more numerous than the Ceylon Tamils, the State Ceylon Service employed nearly half as many Tamils as Sinhalese, and the Judicial Service had two-thirds as many Tamils as Sinhalese in 1946 (Kearney, 1967). In 1962, over 40 percent of the Medical Service, i.e. mostly doctors, were Tamil. Making Sinhala the official language, then, was seized upon as a means to improve Sinhala competition and to lessen Tamil (as well as Burgher) entrenchment in the public service. With the switch of the language movement from swabhasha to Sinhala Only, the terms of the political conflict shifted from a struggle against English to a struggle against Tamil privilege.

independence government. The then Prime Minister D.S. Senanayake inaugurated the scheme, stating that it would provide economic opportunities to the peasants and bring prosperity to both Tamils and Muslims of the Eastern Province.

During the 1950s, Tamil nationalists began to criticise peasant settlements in the Dry Zone, especially in the Eastern Province, as a form of the state-sponsored encroachment of 'Tamil areas' by the Sinhalese. They alleged that since the benefits of the settlement went largely to the Sinhalese, it constituted a form of state-sponsored 'discrimination' against the Tamils (Peris, 1996, as cited in Bandarage, 2010, p. 47). In January 1956, before the general elections and the passing of the language bill, Chelvanayakam was arguing that the Sinhalese were 'colonising the rich agricultural districts in Tamil provinces like Gal Oya and Kantalai'[14] (Wilson, 1994, as cited in Bandarage, 2010, p. 47).

A civil society member describes that:

> "State exercised the planned Sinhalese settlement in the minorities' predominant areas to establish and increase the proportion of Sinhalese in

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[14] The unfair distribution of land was formalised by the introduction of new administrative boundaries. During the creation of the new Ampara District in 1962, the Government Agents made sure that administrative mechanisms were geared in such a manner so that the lands taken from the Muslims could not be recovered. In addition, administrative boundaries were redrawn to optimise Sinhalese presence. In order to establish a fictitious Sinhalese dominance in the Ampara District, Sinhala settlements in the Batticaloa District were annexed to settlements in Ampara District.

In order to satisfy and strengthen the Sinhala domination in the district, the Government intensified development projects which resulted in racial discrimination and a gradual growth of ethnic conflict previously unknown in the region. A similar process took place further north in Trincomalee District. There, the Muslims and Tamils possessed land in the areas of Pothana, Kattukachchi and Kantale. Under the government's planned colonisation – in the guise of yet another 'sugar industry' at Kantale – many thousands of acres of paddy lands belonging to Muslims were systematically confiscated and granted to Sinhalese.

As the 1921 census revealed, the Sinhalese population in Trincomalee district was around 3%, while in Batticaloa and Ampara Districts their share was less than 5%. Correspondingly, the total Sinhalese population in the Eastern province constituted less than 4%. Sixty years later, the share of the Sinhala population in the Eastern Province had grown to 25%, as was shown by the 1981 census. It is noteworthy that the proportion of the Sinhalese people increased manifold due to the colonisation schemes organised by the government in the predominantly Tamil and Muslim regions of the East (Fazil, 2004). Among others, this resulted in a Sinhala majority in twelve new Pradesha Sabhas and one Municipal Council area.

the North and East. Sinhala political elites succeeded in their intention that they could increase people's representation in all democratic institutions and found the way to dominate in the administrative institutions too. It had been an attempt to decrease the minorities' domination in their traditional habitual areas. Thus, land policy of the state was one of the motives to mobilise Tamil youths under the slogan of separate state" (personal communication, November 7, 2015).

A pro-Tamil political elite views that:

"The visible objective of the Sinhalese settlements in the Tamil areas was development plans, but the hidden objective is to weaken the Tamil's demand for separate homeland. Owing to the increment of the Sinhalese settlement district boundaries were redrawn and new districts established" (personal communication, April 4, 2016).

This occupation as well as the government policies greatly contributed to the downfall of peaceful inter-ethnic relations and fuelled tension and subsequent violence in Sri Lanka.

Further, changes in university admissions policy contributed substantially and dramatically to the sharp deterioration of ethnic relations in Sri Lanka in the last three decades, and to radicalising the politics of the Tamil areas in the north and east of the island (De Silva, 2005). As education in Sri Lanka (especially among Tamils) is seen as the major path to social mobility, blocking university entrance caused immense frustration (Orjuela, 2004, p. 90). This was a devastating blow to a community that valued

education above everything else and saw it as the vehicle of social and economic advancement (Senake, 1985). The government in the 1970s introduced a scheme of standardisation. It aimed to increase the number of youths (mainly Sinhalese) entering university, and it severely reduced the number of Tamil undergraduates.[15]

The Tamils felt that they were openly discriminated against which led to the alienation and increasing radicalisation of Tamil youth. The Sri Lankan Tamil leadership, which interpreted all developments through a narrow Sinhala versus Tamil lens, agitated against the district quota system as a policy of Sinhala state discrimination against Tamils replacing open competition (Bandarage, 2010).

Thus, the image and actual practices of the post-independent state of Sri Lanka formulated and implemented discriminatory policies to satisfy Sinhala majority peasantry while discriminating and alienating the Tamil minority which excluded them from the state system. In this situation, the Tamil elites promoted the youths via peaceful means to gain their rights through the demand of federalism and state reconstitution. Nevertheless, the policy of standardisation was a turning point in the history of Tamil political rivalry that quickly mobilised the educated Tamil youth and transformed them towards violent struggle through the formation of militant social forces.

4.3.1   Minority's demand for State Reconstitution

Reconstituting the state has been a frequent theme in Sri Lanka's political debates during the last stage of the British colonial period and post-independence of 1948. This

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[15] It decided to set different 'cut-off points' to regulate the quota of admissions from each ethnic group. In effect this meant that students studying in Tamil had to obtain higher marks than their Sinhalese counter parts to enter the science-based faculties in the country's universities. After protests from academics as well as politicians, the scheme was changed in 1973 to one of 'standardising' marks (De Silva, C.R., 1997). In the next year, 1974 modification of the scheme was introduced: the 'district quota' system.

section focuses on the post-independence demand for state reconstitution. It began in 1949-1950 when a case was made by Tamil minority leaders for reconstituting the constitution of Sri Lanka in such a way as to offer regional autonomy to their community in the island's Northern and Eastern provinces (Kearney, 1967; Wilson, 1988, 2000, as cited in Uyangoda, 2012). Reconstituting the state remains an intensely controversial topic in Sri Lanka's political agenda.

The majoritarian unitary state and its discriminatory policies towards the Tamil minority compelled them to transform and create minority social forces to demand reconstitution of a unitary state. The All Ceylon Tamil Congress (CTC) was formed in 1944 and then S.J.V. Chelvanayakam formed the Sri Lanka Tamil State Party ITAK (Illankai Tamil Arasu Kadchi) or Tamil Federal Party in 1949, just one year after independence. With its call for a federal political structure and regional autonomy for the Tamils, the demand for Tamil separatism in Sri Lanka begun. At the time, the ITAK's radical confrontational politics seemed futile and extremist, while underneath the surface, the tides of Tamil separatism and Sinhala extremism were raising and was to flare into violence in the mid-1950s. "The federal solution was a landmark initiation in the growth of Tamils demands, and it was a basic factor to move towards the peace agreements between Tamil and Sinhala leaders. The idea of federation continues to be the primary demand of Tamils from 1940 up to today, an issue which can accommodate Tamils into the state system" (personal communication, November 7, 2015).

The spread of the idea of the federation in Tamil society matched with the political rise of the Federal Party. Both these developments were paralleled with the rise and spread of radical Sinhalese nationalism which advanced a vision of unitarism for Sri Lanka's post-colonial state (Uyangoda, 2013b). The Tamil demand for federalism was a frontal challenge to the concept of "unitary state" which prevailed in Sinhalese society. It

intensified the Sinhalese nationalist arguments against any scheme of sharing political power with the Tamil community. In two instances, the attempts made by two Prime Ministers to accommodate the Federal Party's minimum demand of decentralisation of political power was met with protests from Sinhalese nationalist social forces (Uyangoda, 1994).

Those two initiatives attempted to negotiate the status of the Tamil language and decentralise some political power to district councils. These were important political agreements achieved between the government and the Tamil political party (the Tamil Federal Party, FP) in 1957 and 1965, called the Bandaranaike-Chelvanayagam Pact[16] and the Senanayake-Chelvanayagam Pact, respectively. However, neither of these central issues was implemented due to resistance from the Sinhalese opposition and Buddhist clergy (social forces) (Orjuela, 2004; Bercovitch, 1996; Balasingham, 2004; Wilson, 2000). A practice of Sinhalese leaders 'taking unilateral decisions with little or no consultation with the Tamil and Muslim leaders', or paying little respect to that consultation, was established (Gunatilleke 2001). Further, the state tried to oppress the increased political resistance of Tamils in the 1960s.

Sri Lankan communities sought to establish the in-born constitutions which could reflect the aspirations of all ethnic groups and diversity of independent Sri Lanka in 1972 and 1978. However, these two constitutions were formed without taking into

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[16] The B-C pact represented a wide-ranging and comprehensive devolution of power to alleviate ethnic tensions. The pact had traces of possible federal solution in the long term. When the pact became public it caused a lot of hue and cry not only from the opposition party but also from Bandaranaike's own camp. This pact was touted by the UNP and allowed them to make up for lost ground amongst the Sinhalese and regain popularity (De Silva, K.M., 1981, p. 514). Junius Richard Jayewardene, a senior UNP politician (who would later be Executive President of Sri Lanka from 1977 and 1988) organised and successfully led a "peace-march" to Kandy making his way through the Sinhalese heartland. His intention was to abrogate the peace pact by pressurising Bandaranaike (Kearney, 1985, pp. 898-917). Adding to the pressure, a group of bhikkus joined the protests by staging a Satyagraha on the lawn of Bandaranaike's private residence in Colombo demanding an immediate abrogation of the pact. All this pressure from multiple sides led Bandaranaike to abrogate the pact in April 1958.

consideration the concerns of minorities, especially Tamils. They submitted the request for regional autonomy to accommodate them into the state system and devolution of power to their habitual residential region of North and East. However, Tamil demands and aspirations were abandoned during both opportunities of new constitution making.[17]

4.3.2 Mutual Transformation of State and Society (Formation of Strong Social Force)

This section examines how the Sri Lankan state and the Tamil minority attempted to transform and reconstitute one another in post-colonial Sri Lanka. The previous section discusses the image and actual practices of state that introduced the discriminatory policies which policies were caused to transform society to form strong militant social force force and contest with the Sri Lankan state in the 1980s.

The Federal Party (FP) continuously demanded the reconstitution of the unitary model of the state into a federation. Nevertheless, the grievances of the Tamils in Sri Lanka developed first in the form of demonstrations and civil uprisings through non-violent methods until the middle of the 1970s. At this juncture, the Tamil youth started losing faith in their leaders and their non-violent methods of resistance to achieve the Tamil demands. Therefore, peaceful political movements evolved into an armed struggle in the middle of the 1970s when Tamil youths, particularly university students, organised

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[17] The 1972 constitution's Clause 2 declared that the Republic of Sri Lanka was a strong unitary state and centralised state power. Clause 3, stated that in the Republic of Sri Lanka "Sovereignty is in the people and is inalienable," which was also a response to the Tamil Federalist demand, based on the notion of 'shared sovereignty." When the 1972 Constitution was replaced in 1978, the unitary clause was retained in the new constitution as well, in the context of increasing Tamil nationalist assertion to win regional autonomy (Uyangoda, 2013b). Thus, the repeated constitutional assertion of the unitarist nature of the Sri Lankan state was the Sinhalese nationalist response to the Tamil nationalist demand for federalism.

themselves as guerrilla units (Carment, James, & Taydas, 2006; Bercovitch, 1996; Balasingham, 2004; Wilson, 2000).

The nature of a strong unitary state structure remained continuously unchanged in post-colonial Sri Lanka due to the failure of concessions by Sinhalese elites, Sinhalese radical social forces and Tamil elites which promoted social transformation in the Tamil community and led to the formation of armed groups. These militant social forces confronted the state, demanding secession and mutual transformation since the mid-1970s. Migdal emphasises such issues in his state-in-society framework, that is, an approach that focuses on the state-in-society, on the process of state engagement with other social forces that highlights the mutual transformation of the state and other social groups, as well as the limitations of the state (Migdal, 2001a, p. 250).

The discussion on state-society contestations in this section is organised to examine the mid-1970 project of state reconstitution, under which historical and empirical evidence were gathered through field interviews and literature surveys. The following sections shed light on various junctures in disputes between the state and social forces to mutually transform and reconstitute one another.

4.3.2.1 State transforms society (minority) to form strong social forces

The three decades in Sri Lanka's history, beginning since the 1970s, saw Tamil separatism in Sri Lanka developing into a powerful force not merely locally but also regionally, i.e. in South Asia. The first group who advocated a policy of violence to achieve political ends was the Tamil Students League, formed in 1970 which comprised highly educated Tamils of Jaffna who were disproportionately affected by the Standardisation of Education Act, followed by the Tamil Youth League (1973), the Tamil

Liberation Organisation (1974), and, most notably, the Tamil New Tigers (1972) (Wilson, 2000, p. 125).

However, "the first structured militant force to appear was the Tamil New Tigers (TNT), a quasi-criminal organisation that eventually proliferated into 35 other different Tamil militant groups" (Gunaratne, 1987, p. 27, as cited in Flynn, 2011). "To advance its cause, the TNT began prosecuting a campaign of terror against both pro-government Tamils and Sinhalese which included the assassination of the Tamil mayor of Jaffna, Alfred Durayappah, in 1975" (Hoffman, 2009, as cited in Flynn, 2011). With a high profile assassination added to its resume, the TNT became a household name among Sri Lankan Tamils. The group's first major setback was the arrest of its first leader, Chetti Thanabalsingham in 1975 which provided an opening for the group's deputy, Velupillai Prabhakaran to assume command. Prabhakaran led the TNT with just 15 members (all male students of Jaffna), but the group quickly expanded and morphed into the Liberation Tigers of Tamil Eelam (LTTE) in 1976. Along with the LTTE, four other militant social forces remained durable and actively committed to creating a separate Tamil State. These social forces comprised the Tamil Eelam Liberation Organisation (TELO); Eelam Revolutionary Organisation of Students (EROS); People's Liberation Organisation of Tamil Eelam (PLOTE); and Eelam People's Revolutionary Liberation Front (EPRLF) (Bandarage, 2010).

On the other hand, with the groups mentioned above advocating violence, another group, the Tamil United Front (TUF) integrated the disparate elements of legitimate Tamil political parties in an attempt to gain concessions from the Sinhala-dominated government. Despite its best efforts, however, the TUF was unable to bring about a change in Sinhala policy, as such, a new Tamil political party, the Tamil United Liberation Front (TULF) emerged. The established political party of the Tamils was

demanding a separate state based on the Vaddukodai Resolution of 1976 which defined the boundaries of Tamil Eelam i.e.: "Tamil Eelam shall consist of the people of the Northern and Eastern Provinces" (De Silva, 2000, p. 401) and use parliamentary democratic processes towards obtaining it (Jayawardhana, 1987).

Meanwhile, the state had started to respond to the violence of Tamil militants in various ways. To begin with, unprovoked police violence was carried out against Tamils at the World Tamil Research Conference in Jaffna in 1975, which led to the death of nine Tamils and severe injuries to many others who were peacefully watching a speaker at the conference (Wilson, 1988, p. 130). Similar conflicts were becoming increasingly frequent throughout Sri Lanka, rousing resentment among Tamils who consequently increased the intensity and frequency of their retaliatory efforts. The government quickly passed laws proscribing the LTTE and similar groups, following the violence of the 1970s, especially the murder of a Jaffna police inspector by the Liberation Tigers of Tamil Eelam (LTTE) in April 1978. The Prevention of Terrorism Act (PTA), No.48 (Misra, 1995, p. 56) of 1979 and the declaration of a state of emergency marked the beginning of a more intensive phase in security operations which allowed the arrest and detainment of suspected terrorists for up to 18 months without trial. The inevitable flood of reports of human rights violations only fuelled growing support for the militant groups. This legislation remains in use today and is frequently used as a means to silence those seen as "undermining the unitary state" (Stone, 2014, p. 147). It was obvious that the restrictive law failed to stifle Tamil efforts to achieve autonomy: the LTTE expanded operations in the early 1980s to counter the persistent state-sponsored attacks.

The LTTE was not a large organisation during its formative years; until 1983 it had a membership of less than 50 energetic, young Tamil men but it soon became well known both within Sri Lanka and throughout the world. The elections in 1977 brought the UNP,

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led by J.R. Jayewardene, to power, with a massive parliamentary majority in the South. Meanwhile, the separatist party TULF won 18 seats in the Tamil areas, and it became the official parliamentary opposition, (De Silva, 2000, p. 403) becoming the first Tamil party to have done so till October 1983. The party's platform was founded on the pursuit of Tamil Eelam. Thus their electoral success enraged many Sinhalese nationalists and spurred more state-sponsored anti-Tamil riots, primarily in the country's Northern region (De Votta, 2009a, p, 1028). Sinhalese nationalists burned the Jaffna Public Library in 1981, destroying tens of thousands of books and historical materials. This was perceived as a particularly reprehensible affront to the Tamils against their history as well as a sign of the Sinhalese nationalists' true intentions: the extermination of Tamils from the island. Such egregious violence caused a surge in support for the LTTE, who began to plan more critical attacks of their own. To present a formidable challenge to the state, the LTTE believed it was necessary to threaten the apparatus of tyranny, the military.

July 13, 1983, was the first time the LTTE attacked members of the Sri Lankan military. Prior to this, attacks were primarily carried out against police forces. The LTTE ambushed an army patrol station near Jaffna, setting off a landmine that killed 13 soldiers, thus enraging thousands of Sinhalese civilians (De Votta, 2009a, p, 1028). This monumental attack spurred the "Black July" anti-Tamil riots that killed between 200 and 2,000 Tamils and displaced approximately 100,000 others (Bandarage, 2010; Bose, 1994, p. 209). Anti-Tamil violence had also erupted in 1958, 1977 and 1981, but not on the same scale as in 1983. As a result of the riots, Tamils were intensely affected, and several thousands of Tamil homes, shops, factories, vehicles, and other belongings were destroyed. About 30,000 people became unemployed due to the destruction of work sites, and the country experienced incalculable damage economically, politically, and morally. The Tamils were traumatised by this experience of utter helplessness and victimisation in the face of the Sinhala mob attacks. Many Sinhalese individuals did come forward to help

Tamil victims, but the Tamils' sense of insecurity, anger, and distrust of the Sinhalese generated by the terrible events of 1983 remains (Bandarge, 2010, p. 105).

The riots of July 1983 came to be dubbed Black July and tainted an entire Sinhala population. However, there is substantial evidence that the infamous riots were not a sudden attack by Sinhalese against Tamils, but instead a carefully laid out state-sponsored, nefarious plan to destroy the houses and belongings of Tamils by inciting unsavoury social elements in the Sinhalese community (Piyadasa, 1984, pp. 90-91, as cited in Bnadarage, 2010, p. 105).

The systematic execution of Tamils motivated more Tamils to take up arms in the quest for Tamil Eelam. A separate state seemed the only answer to prevent future atrocities and the increased support to achieve this aim strengthened the LTTE forces making it possible for them to retaliate and commit offensive attacks against the state. Hence the riots are seen as the first platform for igniting the Sri Lankan Civil War.

The riots of Black July, led primarily by the UNP, did not subside upon the end of the month, rather, as the state continued to suppress Tamils in an attempt to regain control of the Northern and Eastern provinces, where the violence was worst, the conflict intensified. "The pogrom and its consequences led to more frustration among the Tamil youths and spurred an increase in the number of the LTTE membership. Thousands of youths joined as armed and non-armed combatants of the LTTE thereby increasing their resources to target state and military forces" (personal communication, December 12, 2015). In an about turn, "Tamils who hated the violence of the LTTE previously, suddenly accepted and justified the LTTE and its violent attacks in the name of liberation" (personal communication, December 8, 2015). Constitutional means had failed so far, despite the TULF representation in Parliament since its first election in 1977. TULF was not successful in improving Tamil grievances thus far in 1983 (Bose, 1994, p. 209).

The political situation had worsened, and the LTTE claimed that the TULF was obstructing growth for Tamils. "In August 1983 the sixth amendment to the constitution was passed, making it a crime to support any secessionist movement in Sri Lanka and severe penalties were established, including up to seven years imprisonment, for doing so" (Art. 101 Amend 6). Criticisms were made against the TULF members due to their inability to safeguard the interest of the Tamils while their support for Tamil Eelam made them suspected criminals as per the sixth amendment to the constitution. The failure to dismantle the amendment and not being in a position to abandon their support of the Eelam movement, led all 18 TULF members of parliament to resign in October 1983 (Biziouras, 2012, p. 558). A social activist elaborated the situation as follows:

> "Tamil elites failed to safeguard Tamils from the extermination and its gory effects. Therefore progressively, Tamils believed the growing social force of the LTTE would safeguard them from the majoritarian chauvinism and repression. People openly started to support the LTTE and its military approach" (personal communication, December 3, 2015).

As such, the LITE took matters into their own hands and began an aggressive program of both pre-emptive and retaliatory attacks against the state. They quickly became the de-facto leader of the Sri Lankan Tamils. Before examining the LTTE's growth as leading social force among Tamil militant groups, it is essential to illustrate India's role in the early militarisation of Tamil youths.

For the formation and development of the rebellions in different parts of the world, it is critical to garnering external assistance from countries and organisations. The LTTE was no exception. From the beginning, geopolitical aspects and domestic pressure led India to support the Tamil militants of Sri Lanka. The majoritarian suppression of Sri Lankan Tamils drew support and sympathy towards Tamils of Sri Lanka by the Tamil

Nadu Government and Civil Society organisations which favoured the Tamil youths in strengthening mutual relationships. A politician points out that without the support of the Tamil Nadu government and people, the LTTE and other Tamil forces would have found it impossible to train and equip itself to the point of challenging the state of Sri Lanka. "Thus the contributions of Tamil Nadu can be considered critical assistance in the history of Tamil liberation insurgency. Unfortunately, the LTTE failed to maintain good office with the Tamil Nadu state which decreased its support for the goal of Tamil Eelam" (personal communication, March 12, 2016).

The 1983 riots and outbreak of civil war shifted the site for state-minority contestation and negotiation away from the political sphere and came to involve Sri Lanka's powerful neighbour, India (central government). The Thimpu Talks of 1985 where India acted as a mediator (Orjuela, 2004) led to the Indo – Lanka Agreement of 1987 was a result of talks between the Sri Lankan and Indian governments.[18] Following the signing of the Indo-Sri Lanka Accord, India sent a peacekeeping force to ensure that peace returned to the strife-torn Tamil areas. The role of the Indian Peace Keeping Force (IPKF) was to monitor the ceasefire and to force the Tamil rebels to turn over their weapons. Furthermore, the Indian government estimated a settlement with the LTTE within six weeks and planned to withdraw the IPKF during this time. The IPKF could not defeat the LTTE as easily as they had thought. Instead, the IPKF was drawn into the conflict and had direct clashes with the LTTE suffering severe losses.

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[18] The Accord also paved the way for the introduction of the Provincial Councils System with the Northern and Eastern provinces merged temporarily, with one elected provincial council. Following the signing of the India-Sri Lanka accord, the Jayewardene government passed the 13th amendment to the constitution (Ghosh, 2003, p. 132). With the passage of this Amendment the system of provincial council was introduced in Sri Lanka. This administrative unit has one governor, one chief minister and one board of ministers.

Meanwhile, the ruling government headed by J.R. Jeyawardene (UNP) faced harsh criticism from the opposition parties, particularly, Janatha Vimukthi Peramuna (JVP). The JVP strongly opposed the accord and referred to the Indian intervention as an occupation. In 1989, the Sri Lankan government led by president (UNP) Premadasa and heavily influenced by the anti-Indian sentiments in the South, invited the LTTE to hold talks (JVP was also invited but rejected the offer) in Colombo (Orjuela, 2003, p. 113). A decision to withdraw the Indian forces eventually came about due to increased pressure from the newly elected government and India completed its withdrawal in early 1990. The Indian intervention failed and did not bring any significant changes in the Sri Lankan conflict. Other attempts for peace such as the government–LTTE talks of 1989 / 1990, and government–LTTE talks of 1994 / 1995 also had limited success (Fazil, 2016).

According to the state-in-society approach, in the case of Sri Lanka, the LTTE similarly attempted to appropriate resources in the form of human resources (mobilised educated youths, later amalgamated female combatants and child soldiers), forms of social organisations – Tamil Diaspora and other organisations (Tamil Rehabilitation Organisation – TRO and The Tamil Centre for Human Rights - TCHR etc.), material resources (equipment for civil war), physical geography (controlled substantial portions of land, sea and air) and symbols (Tamil language, culture, logo, flag etc.) to reach their goal of the separate state of Tamil Eelam.

"The fractional nature of the Tamil social forces continued and by the middle of 1986, the LTTE took a strategic view to eliminate all opposition and promote themselves as the sole representative of the Tamil population, and become the single social force for the state to deal with" (Herath, 2014, p. 27). The LTTE began to establish its supremacy among the militant groups in Jaffna peninsula by launching a series of deadly attacks on its rivals. These included the murder of the TELO leader Sri Sabaratnam in May 1986,

and the massacre of 52 EPRLF cadres whom the LTTE had abducted and incarcerated in December 1986 (Jayatilleka, 1995, p. 86, as cited in Peiris, 2010, p. 35). From then on, while continuing armed warfare against the Sri Lankan state, the LTTE saw to it that no other Tamil groups or political parties could operate in the areas under its control.

From 1983 to 2009, the LTTE conducted guerrilla and revolutionary warfare to counter the state of Sri Lanka. They also engaged in additional activities such as conducting bogus organisations headed by Sri Lankan Tamil or others, the formation of forward-facing groups, disseminating publicity with calls to raise funds for the insurgency and shape the geopolitical environment (Rosenau, 2007, pp. 12-13). While the LTTE kept its leadership centred in Sri Lanka, it divided the diaspora in host countries into three important segments, of financing, propaganda and weapons procurement (Byman, Chalk, Hoffman, Rosenau & Branna, 2001, p. 43). The LTTE, unlike other non-state actors, was able to use the income it generated through its subversive activities to transition from guerrilla warfare to a hybrid force structure that comprised a naval and budding air wing. The Sri Lankan Tamil diaspora continued its support for the outfit throughout most of its campaign by providing the necessary tools and techniques to absorb and apply new ways of war against the GOSL (Flynn, 2011, pp. 19-20).

Before the 'Black July' in 1983, Tamil militant groups had been ineffective in fundraising through their associates for war. The pogrom of July 1983 caused thousands of Tamils to be displaced, and many migrated to Western countries to become the Tamil diaspora (Gunaratna, 1999). Immediately after the riots, one hundred thousand Tamil refugees lobbied in India and went on to increase by two hundred thousand with the escalation of the conflict and violence. The numbers that fled to the west also increased tremendously. An academic pointed out that: "As a result of the war and insecurity to their lives, the poorer sections of Tamils sought refuge in India while the wealthier

sections of Tamils and the educated classes migrated to developed countries. Steadily, Tamil nationalistic feelings increased among the migrant Tamils and induced them to contribute to the Tamil cause through the formation of diaspora groups. These groups developed into a sophisticated arm of the LTTE with its financial and arms procurement prowess" (personal communication, March 16, 2016).

"The United Kingdom has always been the heart of the LTTE overseas political activity. Since the riots of July 1983, the LTTE expanded into Europe from London. To make its position secure, the LTTE either established, absorbed or infiltrated a number of the LTTE, LTTE-front or pro-LTTE organisations in the United Kingdom. Some of these include The Tamil Information Centre at Tamil House in London, The Tamil Rehabilitation Organisation (TRO) in London, and the International Federation of Tamils (IFT) in Birchiew Close, Surrey" (Gunaratna, 1999, pp. 113-114).

Most of the Western states revised and relaxed their immigration policies and quotas in favour of the political asylum of Tamil refugees. International Human Rights and humanitarian bodies, such as Amnesty International, helped Tamil immigration with their arguments to Western countries that "if returned against their will, all members of the Tamil community have reasonable grounds to fear arrest by the Sri Lankan government", (Sivarajah, 1996, as cited in Bandarage, 2010, p. 116). This outlook that all Sri Lankan Tamils were political victims when they immigrated as political refugees allowed them to gain greater economic benefits and advancements. "By the mid-1990s the total number of the Sri Lankan Tamil diaspora was over 450,000, and the total in the West in 2008 according to estimates is over one million" (Gunaratna,1997; Bandarage, 2010, p. 116).

After settling in friendly host-nation countries, the LTTE set up offices and cells to support the war effort. Within Velupillai Prabhakaran's hierarchical structure, local officers organised the Sri Lankan Tamil diaspora, establishing a global infrastructure to

develop and maintain political and diplomatic support, raise funds and procure weapons and equipment by selling the promise of an independent Tamil Eelam (Jayasekara, 2007, pp. 43-49). Remarkably, the LTTE is known to have a presence in over 44 countries, in which it has a structured presence in 12 top-level contributing countries, such as England, Canada, Australia and the United States (Jayasekara, 2007, pp. 1-2).

Making maximum use of the developing Tamil diaspora, the LTTE advanced the wide-ranging global network that it used for both persuasive and coercive techniques to achieve its goal. The LTTE made good use of mass media in its tactics to boost favourable opinions of both the Tamil diaspora and the host countries to gain support for their warfare. One method of this propaganda is described by Flynn (2011) below:

> This toolkit included the dissemination of propaganda through mass media vehicles including the Internet (e.g. tamiltigers.net and pro-LTTE news website TamilNet) and the 'Voice of Tigers' FM radio and television stations but also through more traditional methods such as posters, billboards, dedicated telephone hotlines, community libraries and mailings. It also propagated recordings of battles and commentaries on military victories by producing and disseminating sophisticated videos, CDs and DVDs and employed rumours and malicious campaigning against the GOSL.

It is suspected that the large contingent of Tamil diaspora is responsible for funding an estimated $300 million a year for the LTTE war efforts, though there are varied accounts of this (Tan, 2007). The LTTE's effectiveness relied on its smart combat and subversive capabilities and a combination of both old and new methods. Its subversive component of front organisations raising funds, disseminating information and harassing its critics, was more remarkable than its combat mode. The LTTE's ability to defy the

military strength of the Sri Lankan state was largely owed to the loyal, dedicated and battle-tested cadre, a sanctuary in the northern and eastern provinces and a global diaspora providing external funding, propaganda and procurement assistance. It is estimated that nearly a quarter of all Sri Lankan Tamils currently live abroad with the more privileged diaspora residing in Canada, Britain, the United States, France and Australia (Human Rights Watch [HRW], 2006).

The LTTE mainly had two types of wings, one military and the other political. Both these wings were controlled by a Central Governing Committee (CGC) headed by Vellupiali Prabhakaran who decided all aspects of organisational policy – supposedly in consultation with CGC leaders. The CGC deliberated both on operational military strategies as well as the administrative governance of the LTTE-held territories. The military wing was the heart of the instrument of the LTTE to challenge the state and control the territory. The LTTE developed different warfare strategies and military subdivisions to contest with Sri Lankan state through traditional and modern ways.

The various subdivisions include the LTTE's army (the ground forces), navy (the Sea Tigers), air force (the Air Tigers), black Tigers wing and the LTTE intelligence wing (the Tiger Organisation Security Intelligence Service (TOSIS). The LTTE advocated the establishment of a Tamil homeland, *Tamil Eelam*, as the only solution to the oppression of the Sinhalese majority. Since its platform posed an existential threat to the state, the LTTE was embroiled in a series of intense conflicts with the Sri Lankan government spanning several decades: Eelam War I (1983-1987), Eelam War II (1990-1995), Eelam War III (1995-2002), and Eelam War IV (2006-2009) (Destradi, 2012 as cited in Sebestian, 2015, p. 2).

4.3.2.2 Social force (LTTE) transforms strong state to weak

Gradually, the LTTE had integrated a battlefield insurgent strategy with a separatist program that targeted key government and military personnel, state security forces, the economy, and public infrastructure (Simonsen & Spindlove, 2000, p. 221, as cited in Voorde, 2005). At the same time, the LTTE conducted massive attacks against the state security forces, and state forces dealt attacks to the LTTE via a number of military operations. The economy and public infrastructure of the state had been devastated by the LTTE in numerous ways. Out of the total 66 suicidal missions in Sri Lanka, 10 were economic targets.

The beginning of the 21st century saw the government and the LTTE trapped in a stalemate. "It was also a time when the LTTE had scored a series of major military victories including the capture of the strategic Elephant Pass in April 2000" (Uyangoda, 2007, p. 38). As many as 1,000 government soldiers died in the fighting. This achievement of the LTTE demonstrated that it turned into a very strong social force which the LTTE thought gave them strategic equilibrium with the state. The final indignity for the defence establishment came in July 2001, when, in its most audacious attack to date, an LTTE unit took over Katunayake airport near Colombo, the country's only international airport, and destroyed eight militaries and four civilian aircraft and half the air fleet, as panic-stricken tourists looked on from the departure lounges. The economic and symbolic impact of the attack was strong, as the Sri Lankan economy shrunk for the first time since the conflict began (Ballentine, 2003, p. 277). This situation brought both the government and the LTTE to a military balance and belligerent status quo which neither party won in battle at that point. According to the negotiation theory, both antagonists came to the cease-fire agreement and peace talks.

In this regard, in February 2002, a Memorandum of Understanding (MOU) / Cease Fire Agreement (CFA) was prepared by the Norwegian facilitators in consultation with the parties and was presented to them for endorsement separately. Capitalising on these existing channels of communication and goodwill the parties signed a Ceasefire Agreement on February 22nd, 2002. It was significant that the CFA was signed personally albeit separately by Prime Minister Wickramasinge and the LTTE Chief Velupillai Parabakaran. Prime Minister Wickramasinghe travelled to the Northern City of Vavuniya to sign the document witnessed by Norwegian Ambassador Jon Westborg (Keethaponcalan, 2008, p. 93; Bouffard & Carment, 2006, p. 169).

The key provision in the agreement was respect for existing frontlines. This left large tracts of territory in the north and east under the LTTE control. This was mentioned in the CFA as follows (see Appendix C):

> 1.5 In areas where localities have not been clearly established, the status quo as regards the areas controlled by the GOSL and the LTTE, respectively, on 24 December 2001 shall continue to apply pending such demarcation as is provided in article 1.6.

> 1.6 The Parties shall provide information to the Sri Lanka Monitoring Mission (SLMM) regarding defence localities in all areas of contention, of Article 3. The monitoring mission shall assist the Parties in drawing up demarcation lines at the latest by D-day +30.

> 1.9 The Parties' forces shall initially stay in the areas under their respective control, as provided in Article 1.4 and Article 1.5 (GOSL, 2002).

The LTTE had complete control over two districts in the north, Mullaithivu and Kilinochi and parts of Jaffna, Mannar, Vavuniya, Trincomalee, Batticaloa and Ampara also came under the LTTE's administration (Uyangoda, 2007, p. 41) or control, or as the government termed them, "un-cleared areas". The government controlled the remaining areas. Migdal in his state-in-society theory, explains that "image implies perception" (2001, p. 16). This could be applied to the *image* of the state at this point. Here, the perception of the state applies to those inside and outside its claimed territory where it is the chief and the rule-maker within its territorial boundaries. In that regard, the perception assumes a single entity that is fairly autonomous, unified, and centralised. The LTTE's massive military victory over the Sri Lankan state and its ability to control substantial territory in the Northern and Eastern Provinces led to questioning of the state's image. This caused the Sri Lanka government to agree to CFA and peace talks. "Travelling from government-controlled areas to LTTE-controlled areas resembles a border crossing between two nation-states, with well-guarded border control posts where travellers are required to show identity cards, goods are inspected, and customs fees are collected" (Stokke, 2006a, p. 1022). Uyangoda (2007, p. 40) explains this matter, "The growth dynamics and ethnopolitical movement like LTTE which is committed to establishing a state. The alternative perspective I offer of the LTTE's behaviour, particularly after 2001, is that the LTTE "thinks and acts like an emerging regional, or subnational, state." It is this state-like thinking and acting that has made the post-2001 LTTE somewhat different from the LTTE of the 1990s and 1980s. The LTTE's insistence that the 2002 peace process be based on the balance of power and that it was an "equal partner" with the government in the negotiation process-makes no sense if the LTTE is seen as nothing but a terrorist entity or a guerrilla movement. The LTTE is more than an armed militant group. It controls territory and administers a civilian population.

Moreover, Migdal (1998) argues, among other things, that states have to provide a single political status of citizenship to all who qualify as members of the state. This status can be declared to citizens if the state has a single jurisdiction within specific boundaries if hegemonic control can be assumed over society and if the state can instruct its survival strategies and persist on its own (Toit, 1995, as cited in Lambrechts, n.d.). When this study considers the practical experience of Sri Lanka in light of Migdal's and Toit's arguments, the status of the state had been challenged by the militant social force (the LTTE) which is further analysed in the following text. "The LTTE formed its 'political wing' to administrate and implement its survival strategies in the North and East. Tamil speaking people lived in the LTTE-controlled territory, and the LTTE considered them as citizens of Tamil Eelam who were required to obey rules of the LTTE whether they preferred to or not. The LTTE also requested the people to register their names and issued Identity Cards (IC) to them" (personal communication, March 12, 2016). The LTTE attempted to act as an ultimate rule maker and implementer in their so-called areas.

"Prabakaran was the head of the Central Governing Committee which unites all features of the LTTE, both militarily and politically, under a single command. Under this structure, he set up the political secretariat, which incorporated the civil administration (Referred to in Tamil as Arasialthurai) and was headed by the *porupalar* or Person-in-Charge" (personal communication, November 8, 2015). This important post was headed for a long time by Tamilchelvan, the most prominent LTTE political administrator, until his death in 2007. The civil administration was divided into several subdivisions, each headed by a *Porupalar* including Police force (Tamil Eela Kavalthurai), Justice (Tamil Eela Neetithurai), Finance (Tamil Eela Nitithurai), Economic Development, Health, and Education (Neeran, 1996). "It was a top-down pyramidal structure with the specialised sectors serving to implement decisions made by the LTTE leadership" (personal communication, January 4, 2016). In the LTTE civil administration, each district in the

province was assigned a district level *Porupalar* and divisional level *Porupalar* who serve to ensure that sectoral directives issued by the head *Porupalar* were implemented at the district and divisional levels.

> "The LTTE administrative structure exercises police force to maintain law and order and provide civil service in their controlled areas. Police force comprises crime prevention division, investigation division and traffic division. These three divisions had functioned to prevent crimes in the society and produce criminals in front of the Tamil Eelam Courts communication, March 10, 2016). Tigers established a Tamil Eelam Penal Code to strengthen judicial services and provide judgements to offenders. Mainly death penalties were meted out for serious offences such as murder, rape, and treachery communication, November 14, 2014). The LTTE had complete control of both police and judiciary services, and these amenities were delivered without any connections with the systems of GOSL" (personal communication, March 10, 2016).

In the meantime, the LTTE claimed sovereignty over the sea and sky linked to areas under its control (Uyangoda, 2007). Unlike the police and judiciary sectors of the Tamil Eelam Secretariat, responsibility for the health, education and economic development sectors was shared between the LTTE and the government. As aforementioned, LTTE district chiefs and Government Agents (GAs) worked side-by-side in areas under LTTE control, and LTTE district chiefs also held considerable sway over GAs in north and eastern areas technically under government control. Notably, in this situation of dual powers, the salaries of doctors, nurses, and teachers were paid for by the government of Sri Lanka (Mampilly, 2007).

The strategy of the LTTE was not to make the contested territory of the North and East ungovernable, as is the case with some rebel movements, but to institute their authority into the existing structures of the state and also to create parallel state institutions. Therefore, state institutions from schools to hospitals continued to function but within the dual authority structures. At the same time, the LTTE provided education facilities such as classes for advanced students (Marcelline, 2014, pp. 46-47). In the healthcare sector, the organisation operated mobile health clinics for civilians, had their hospitals and allocated special wards for the treatment of the LTTE members within the Sri Lankan government-funded hospitals in the quasi-state. The same applied to the administrative apparatus. The Sri Lankan state's administrative apparatus operated within LTTE-controlled territories but had to be accountable to the organisation as well as to the Sri Lankan state (Marcelline, 2014, p. 47). The organisation undertook periodic censuses of the population to maintain its rigid taxation policy. The Vanni being an agriculture district, the LTTE left production in the hands of the civilian population but took over the means of exchange and distribution by controlling all rice mills and coolers that are necessary for agriculture and the fishing industry.

The above-mentioned governance and administrative structure of the LTTE was studied by the scholars in the field of social sciences and they describe the LTTE's state transformation and constitution project in different manners such as a de-facto state administration (Stokke, 2006, p. 1022), an undeclared quasi-state (Uyangoda, 2007, pp. 40-42; Marcelline, 2014, p. 45) and state-like structures of government (Fuglerud, 2009, p. 194).

The LTTE's thought process seemed to be that of war-making, fundamentally being a process of state-making for the Tamil nation. The LTTE's insistence in 2002-03 on an interim administrative set-up was governed by a strategy of state-making and the need to

establish and consolidate structures of governance. Its Interim Self Governing Authority (ISGA) proposal of October 2003 reflected its regional-state-like self-understanding. During the negotiations with the Kumaratunga administration in 2005 for a post-tsunami administrative structure, the LTTE initially bargained from a position reflecting this self-perception, even arousing contempt among government negotiators.

Uyangoda argued that by "thinking and acting like a state," the LTTE had become caught up in what can be called a "quasi-state trap." Following Kolsto, Uyangoda described the LTTE of that time, as a military ruling class of an "unrecognised quasi-state" (Kolsto, 2006, p. 725, as cited in Uyangoda, 2007, p. 40). The LTTE-administered territory (the so-called Tamil Eelam) was neither a state nor a statelet that had declared independence, nor one recognised by other states. Meanwhile, despite claims to be a separate territorial-political entity, the LTTE was banned in many countries, notably in Europe as a terrorist entity. The LTTE seemed to refrain from declaring separate statehood for strategic reasons. In that sense, its Eelam can be described as an "undeclared quasi-state."

In the case of Sri Lanka, its ability weakened to mobilise, penetrate and regularise the society through state rule-making and survival strategies led to fractured state sovereignty and legitimacy. In this situation, the LTTE usurped the state's role and formed itself as a strong military social force. Thus, the strong state of Sri Lanka was demoted to a 'weak state,' with the LTTE promoting itself as a strong military social force with quasi-state structure attempting to achieve its goal of Tamil Eelam.

4.3.2.2.1 Attempt to reconstitute state from unitary to federal

The military balance between state and the LTTE brought both parties to the negotiation table under the facilitation of Norway. The success of pre-negotiations among

both parties (government and the LTTE) created positive opportunities to start peace talks in late 2002. Six rounds of peace talks/sessions had taken place on an approximately monthly basis in Asia and Europe and had helped further solidify the peace process. Significant attempts were taken to reconstitute state through negotiations by the Sri Lankan government and the social force (LTTE).

In the third round of peace talks held in Norway, an important outcome of the talks was the Oslo Communique, in which the parties agreed to explore a solution founded on the principle of internal self-determination in areas of historical habitation by the Tamil speaking peoples, based on a 'federal structure' within a united Sri Lanka (GOSL, 2002) (see appendix E). This is widely interpreted as a shift in the LTTE position from 'separatism' to 'self-determination' (Goodhand & Klem, 2005, p. 20). Both parties had come to this significant point, moving away from both the unitary position of the Sinhalese ruling class and separatist position of the LTTE. However, there were suspicions that both parties were not purely in agreement for a federal structure within a united Sri Lanka. The post-independent governments of Sri Lanka maintained a strong unitary state and never supported the Tamil demand of federalism. Taking this into consideration, why was the government brought to this situation? The military capacity (balance of power) of the LTTE brought the government to this agreement and the government endeavours to weaken the LTTE via different strategies brought the LTTE into the international mechanism.

It is, however, imperative to note that from the inception of the peace process the government and the LTTE were acting as equal partners and they were appealing to the international community for monetary support together as partners in the peace process. This presumption of equal partnership, although very symbolic, was crucial for the LTTE as it was the basis for the LTTE participation in the peace process. The United National

Party government's willingness to treat the LTTE as an equal partner was one of the primary reasons for the reasonably cordial dispassion of the process at the beginning. The Washington Conference effectively disturbed this understanding and alliance between the LTTE and the government. By organising the preliminary donor meeting and at the same time precluding the LTTE from the meeting, this seemed to be a reminder by the US to the LTTE that it was not accepted by the US.

Obviously, the LTTE was disturbed by the exclusion of what it called the "authentic representatives of the Tamil people" and pointed out that "the US had undermined this joint effort by isolating the LTTE and solely promoting the government at the preliminary meeting" (Keethaponcalan, 2008). The LTTE argued that if the US could not accommodate them in the Washington meeting, then the government should have demanded an alternative venue for the preparatory meeting. The LTTE was furious that the government, rather than resisting the Washington meeting, decided to participate. The LTTE interpreted this as a move by the international community to treat the LTTE as a junior partner in the negotiation process, rather than as an "equal party" along with the Sri Lankan government. For the LTTE, acknowledgement of "parity of status" by the international community was crucial in two ways: (1) it would function as a de-facto formalisation of what the LTTE saw as its military balance of power with the Sri Lankan state; and (2) it was necessary to ensure that the negotiated political settlement would not weaken the LTTE's state-building goal.

At this movement borth parties were started to violate CFA continuously. "Following a bomb attack on an army bus in Colombo on January 2, 2008, the government of Sri Lanka pulled out of the six year-old ceasefire agreement brokered with the Liberation Tigers of Tamil Eelam (LTTE) through Norwegian arbiters. The government accused the LTTE of violating the truce more than a thousand times by carrying out assassinations and terror

attacks against civilians, and by continuing to abduct children for combat" (Wickramasinghe, 2009, p.59). Then, full scale war erupted in the north and LTTE was defeated. Factors will be study for the defeat of the LTTE in the following section.

4.4   Defeat of the Minority Social Force (the LTTE) (the State's Penetration)

Migdal (1994) describes that the struggles and accommodations in the junctures between components of the states and the other social forces have produced a range of outcomes. We can capture these in four ideal types of results (this takes into consideration only those suitable to the context of Sri Lanka). First is *'total transformation'*. Here, the state's penetration leads to the destruction, co-optation, or subjection of local social forces and the state's domination. In such cases, the components of the state successfully transform how the people in an arena identify themselves (Migdal, 1994, pp. 24-25).[19] The weak state of Sri Lanka with the support of international alliances defeated and destroyed the strong social, military force of the LTTE and transformed the state and society. Once again it caused the reconstitution of a strong unitary state and attempted to weaken society (Tamils) in Sri Lanka which this study seeks to examine.

4.4.1   Factors Contributing to Failure of Minority Social Force (the LTTE)

Different factors contributed to the failure of the LTTE, including national and international factors. National factors can be highlighted as centralised leadership of Prabhakaran and his inadequacy of strategic understanding, fraction in the LTTE (e.g.

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[19] "Second is state incorporation of existing social forces. In this type, the state's injection of new social organisation, resources, symbols, and force into an arena enables it to appropriate existing social force and symbols in order to establish a new pattern of domination. This is existing social forces' incorporation of the state. in this type, the presence of the state's components spurs adaptation by dominating social forces, but does not produce radical changes in in the pattern of domination. Finally, the state may fail altogether in its attempt at penetration" (Migdal, 1994, pp. 24-25).

Karuna's defection), defection of the political wing of the LTTE (Hashim, 2014), strong state leadership and strengthening of state's security, inability of the LTTE to fight effective hybrid warfare, etc. International factors contributed to the defeat of the LTTE such as the assassination of ex-Prime Minister Rajiv Gandhi, the post-Sept/11 change in the international politics of war on terrorism and the international power balance (China factor).

4.4.1.1 National factors

The centralised leadership of Prabhakaran and his inadequacy of strategic understanding were identified as a key national factor in the failure of the LTTE. The organisational structure of the LTTE was rented from the model of 20th century's communist insurgency. Prabhakaran was head of the pyramidal structure of the organisation, both military and political wings. He made almost all decisions which must be followed by all members of the organisation and people in his controlled territory. This setup of centralised leadership was an instrument for their defeat.[20] He appointed military, political and intelligent wings' second in command to him, and appointed Karuna as a

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[20] Commander Prabhakaran significantly contributed to the demise of the LTTE with successive strategic errors. His heavy-handed tactics to control all aspects of the Tamil liberation movement isolated the LTTE from the people. He further isolated the people from the political process when he forbade Tamils from voting in the 2005 presidential elections; all but guaranteeing a win for Rajapaksa. The decision to attack the IPKF and assassinate the Indian Prime Minister Rajiv Gandhi allowed the Sri Lankan government to secure the New Dehli government as a strategic partner. Lastly, in choosing to pursue a military resolution to secure Tamil Eelam and using conventional tactics, Prabhakaran all but ensured defeat for the LTTE.

The harsh tactics used by Prabhakaran to consolidate, maintain, and advance the freedom movement eroded support for the LTTE amongst the Tamil people. As war broke out in Tamil Eelam I, the Tigers were one among numerous other Tamil liberation movements. Prabhakaran and the LTTE killed opposing insurgent leaders; the LTTE became the de-facto sole representative of the struggle for Tamil Eelam (Hashem, 2013 as cited in Connel, 2017). The structure of the LTTE evolved into a cult of personality with all wings reporting directly to Prabhakaran and with much of the decision-making centred on him. Prabhakaran spent little time with the political messaging of the LTTE; instead he chose to focus on the military aspects of the conflict. The LTTE information campaign developed into the worship of Prabhakaran and attempted to elevate him to a godlike status (Hashem, 2013). Throughout the conflict, the Tigers assassinated anyone who questioned Prabhakaran and the legitimacy of the movement to include moderate Tamil politicians, Tamil people, and military leaders within the LTTE. Heavy taxes, forced labour, child conscription, and brutal repression in LTTE-controlled areas distanced the LTTE from its support base. Towards the end of the conflict, Tamils even began providing information to the Sri Lankan Forces on LTTE activities (De Votta, 2009 as cited in Connel, 2017).

second hierarchy to the major portion of Eastern Province. Even then, Karuna's defection was due to the centralised power of Prabakaran.

"The LTTE faced severe unexpected defection in its structure. On 4 March 2004, Vinayagamoorthy Muralitharan, alias 'Colonel Karuna Amman', commander of the LTTE in the east, a central strategic thinker of the movement and a close confidant of Prabhakaran who had fought for the LTTE since 12 years of age, served as a commander for the Ampara and Batticaloa region for 20 years" (personal communication, February 16, 2016). "He announced his defection together with about 6,000–7,000 cadres" (personal communication, March 17, 2013). "An estimated 1,000 well-trained militants surrendered in army camps along with Karuna while others were sent home. Among those who surrendered were Pillayan (Sivanesathurai Chandrakanthan – former Eastern Provincial Chief Minister), Jayam Master, Sinathambi, Malathi and Regi, all close associates of Karuna's; they had been in charge of the political, military, finance and intelligent wings of the LTTE's administrative structure in the East" (personal communication, March 18, 2016).

This study reveals the five reasons behind the defection of Karuna: "(1) different discriminatory policies of northern leadership; (2) power rivalry in between Karuna and Pottu Amman (Commander of Intelligent wing of the LTTE); (3) Karuna's corruptions, self-motivated activities and misuse of power; (4) penetration of the Sri Lankan state; and (5) influence of the international factor" (personal communication, February 18, 2016). Notably, in-charge of the latter, Karuna was part of the LTTE's four-member negotiation team in the six rounds of peace talks in 2002-2003. His break with Prabhakaran largely negated the LTTE claim that the Tigers were the 'sole representative' of a 'unified nation' inhabiting a 'unified homeland' (Uyangoda, 2005, p. 1).

In the aftermath of the Karuna defection, the state provided protection for him and went on to appoint him as a deputy minister twice and used him to fulfil their strategies. "After the split from LTTE, Karuna formed Tamil Makkal Vidutalai Pulikal (TMVP) as a military group and then promoted it as a political party to enter into the democratic process. There was a leadership struggle between Karuna and Pillayan in the party. As a result of the leadership rivalry, Karuna joined the SLFP and was promoted to a Vice Chairman by President Rajapaksa" (personal communication, March 21, 2016).

When Migdal (1994) explains accommodation and domination of the state and social forces, he emphasises the possibility for *'state incorporation of existing social forces'*. To analyse Karuna's defection from the LTTE (social force) and his formation of another social force, it is appropriate to apply Migdal's theory. The Sri Lankan state strategically absorbed Karuna and his combatants to utilise them to further weaken the LTTE. "The state-supported Karuna to form a paramilitary (TMVP) to support Sri Lankan Security Forces (SLSF) on the war front. The Karuna faction disclosed the LTTE's war strategy, maps, secrets of military bases and high levels of secrets of the organisation to SLSF which caused the defeat of the LTTE all the more easier, in the final battles in the North and East" (personal communication, February 12, 2016). "During this period, the LTTE fought against the Karuna faction to recapture the Eastern province via a bloody battle in Vaharai. In the end, this battle caused the death of hundreds of militants in Karuna's faction" (personal communication, February 13, 2016). According to Migdal's theory, it is very clear that the state penetrated the LTTE and broke its Eastern wing and successfully formed another social force with Karuna's faction and incorporated the new social force into the state structure.

In the meantime, "as a direct consequence of the split of Karuna, the LTTE declined in strength which led to an asymmetrical situation and weakened the peace process"

(personal communication, March 17, 2016). The LTTE insisted that it was the government's responsibility to disarm the Karuna faction. This suggested the LTTE's discomfort with its own inability to do so. The government agreed to disarm the paramilitaries, but it subsequently failed to do so (De Silva, 2012, p. 181). Karuna had argued that the relevant CFA clause did not apply to his group of fighters since his faction and the LTTE was a party only to the original agreement (ICG, 2006, p. 9). The potential of Karuna is becoming a "spoiler" in any future peace talks probably 'remained strong' (Taras & Ganguly, 2006, p. 199). The political transition took place in Sri Lanka during the period Rajapaksa came to power, and his regime took efforts to defeat the LTTE which will be explored in the next section.

The LTTE faced serious weakness due to the demise of two prominent political figures of the movement in 2006 and 2007. Its political philosopher Anton Balasingham died due to renal failure on 14 December 2006 and S.P. Tamilchelvan died in an air raid on 2nd November 2007. Mr. Tamilchelvan was an acceptable face of the international community. The loss of these two figures in the LTTE greatly weakened the political wing of the LTTE.

As Kumaratunga's final term was coming to an end, presidential elections and a new, prescheduled election of the parliament was held in 2005. It had become the dominant vision for the future of the society to the extent that even the UNP headed by Wikremasinghe, attempted to outbid president Mrs. Kumaratunga. She backed Rajapaksa as her party's candidate. However, while Rajapaksa publicly promised to safeguard the party's policies, he struck a personal agreement with the JVP and JHU to protect the 'unitary nature' of the state. Kumaratunga's party (SLFP) won both the presidential and parliamentary elections, and Prime Minister Rajapaksa took over as head of state after having defeated his predecessor (and peace process underwriter), Wickramasinghe by a

narrow margin. The LTTE virtually ensured the victory of Rajapaksa and his right-wing allies by imposing a forced boycott in the north-east, preventing Tamils from voting for Wickramasinghe. The latter had remained publicly committed to restarting talks with the LTTE about the Interim Self Governing Authority (ISGA). Thus, in the election that was decided very narrowly in Rajapaksa's favour on the basis of the southern vote, the LTTE engineered the victory of the more hardline group of political forces on the ethnic question in the south (*Tamil Times*, 2005, October 5, p. 9; 2005, November 5).[21]

Both parties' CFA violations brought about the war. The government's 'war for peace' program was targeted to weaken the LTTE's military capacity and to take them to the negotiation table. However, Norwegian facilitators and Japan's representatives failed to bring the GOSL and the LTTE to the negotiation table from this stalemate situation since late 2006. Therefore, with such an asymmetrical situation, especially the weakening of the LTTE, it discouraged future peace negotiations, and it encouraged the resumption of war.

The Eelam War IV instigated in the east in July 2006 in the Eastern Province of Sri Lanka and state defeated the LTTE and liberated east in August 2006.[22] Then the state military moved towards Northern Province and defeated the LTTE in May 2009.

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[21] Bandarage (2010, p.198) states regarding Rajapaksa and the consequences of his assumption of office that "although the international press dubbed him as 'hawkish', upon coming into power, Rajapaksa immediately affirmed his commitment to a negotiated political settlement with the LTTE. But the LTTE found excuses against negotiations and increased its terrorist activities. In the meantime, the LTTE increased its unprovoked attacks against civilians and government security personnel. Deputy Army Commander Parami Kulatunga was killed and Army Commander Sarath Fonseka was severely injured by a pregnant suicide bomber. Sinhala civilians in the so-called 'border areas' such as Kebethigollawa were brutally massacred." SLSF was also taking actions against the LTTE. Further, Rajapaksa's government sought to mobilise the international opinion against the LTTE as a terrorist organisation. The assassination of Foreign Minister Lakshman Kadirgamar, allegedly by the LTTE, on August 12, 2005, and their CFA violations provided further ammunition to this approach. From 2002 to 2006 the Sri Lanka Monitoring Mission ruled 3,827 ceasefire violations against the LTTE, as compared to 346 against the government (CPA, 2007, p. 7; SLMM 2007). His regime also raised objections to Norway's role as both peace facilitator and commander of the truce observers (drawn from the Nordic countries), which created hurdles in the peace process (Mayilvaganan, 2008). The government adopted an active policy of strengthening the armed forces. Progressively, the minor skirmishes developed into full-scale war. The next section analyses how Eelam war IV erupted full-scale and the LTTE were defeated first in the East and then in the North.

[22] On July 20th, 2006, an even more serious breach of peace occurred when the LTTE closed the sluice gates of the Mavil Aru reservoir, a minor irrigation project in the Eastern Province. Eventually, owing to pressure from the local Sinhalese population who threatened to use force to get the Mavil Aru system working and also because the army was anxious to intervene since the livelihoods of 1500 or more families – Sinhalese, Tamils and Muslims – were at stake which blocked water supply to 15,000 villages in government-controlled areas (Mayilvaganan, 2008), the Rajapaksa government (De Silva, 2012) responded with military operations t recapture

"Apparently, Prabhakaran and the LTTE were not unduly concerned about the advancing armed forces for quite a while, as the Tigers were confident that the army would not be able to proceed beyond a certain point" (Jeyaraj, 2015). Nevertheless, the strong state man, Rajapaksa, strengthened security forces of the state with the appointment of his brother Gotabaya Rajapaksa (a retired Lieutenant Colonel) as Secretary of Defence.[23] However, the loss of the Eastern Province – which was an important source of recruitment for the LTTE – and the increasing intercepts of shipping and funding streams, weakened the depth of the LTTE's fighting capability, and during 2008 government forces began to make significant gains and force the LTTE further into the interior.

The LTTE was confident in its conventional warfare tactics, whereas the state of Sri Lanka introduced COIN (Counter Insurgency tactics) methods and hybrid warfare. In this juncture, the LTTE was unable to face the state's multiple war strategy.

In these operations, small, well-trained, highly-mobile groups proved key for the state. These groups infiltrated the LTTE's front lines attacking high-value targets, providing

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the dam. Faced with these new assaults, the LTTE launched campaigns designed to bolster their control over the eastern regions of the island (Linden, 2009, p. 14). Some viewed the LTTE action as an attempt to compel the Sinhalese and Muslims to leave the area served by the waters of the Mavil Aru channel. Thus began Eelam War IV. Eventually, government troops gained full control of the reservoir by August 10th, 2006. Meanwhile, clashes erupted in Muttur on August 2nd, 2006, when the LTTE launched a heavy artillery attack and gained control of some parts of the town. The military regained the town by August 5. In the process, over 150 LTTE cadres and at least 30 civilians were killed; about 25,000 residents of the area were displaced (Mayilvaganan, 2008, p. 29).

[23] Soon after this, the President appointed his brother, Gotabaya Rajapaksa to the key position of Defence Secretary. The leadership style of Gotabaya Rajapaksa was disciplined, pragmatic and results oriented, which instilled confidence among his military commanders that the LTTE could be militarily defeated. As such, a uniquely 'Rajapaksa Doctrine' was adopted that markedly differed from predecessors, which Gotabaya Rajapaksa articulated: "The hallmarks of the new radical approach included the appointment of tried and tested commanders; leaders who were brave and had battlefield experience, purchasing of new weaponry alongside an increased and fervent recruitment and training agenda" (Asia Pacific Defence Reporter [APDR], 2009).

In line with his new policy, Gotabaya Rajapaksa in turn appointed competent and experienced commanders to lead each military arm, namely the Sri Lanka Army [SLA], Sri Lanka Navy [SLN] and the Sri Lanka Air Force, emphasising merit over seniority in promotion. Gotabaya Rajapaksa initiated unprecedented cooperation and support amongst the three services, especially in intelligence gathering, sharing and joint operations. The defence budget was significantly increased to accommodate numerical expansion, new weaponry and enhanced firepower. A concerted public relations campaign was launched to restore the battered image of the military, which galvanised widespread public support like never before (APDR, 2009).

real-time intelligence and disrupting the LTTE lines of resupply and communication. These groups were trained and ratified to give accurate directions of the LTTE units for artillery and mortar bombardments. The amalgamation of frontal and in-depth assaults meant that the LTTE forces lost their freedom of movement, were trapped down, and could be crushed in detail (Layton, 2015).

These small groups were a distinct Sri Lankan innovation and included Special Forces whose penetration was deep. They operated closer in large numbers of well-trained Special Infantry Operations Teams (SIOT). The Special Forces increased in number to 10,000 and were proving highly capable in attacking the LTTE military leadership targets, removing experienced commanders at a crucial time and thereby causing general mayhem in an inflexible hierarchical command system. At the beginning of Eelam War IV, there were 1500 SIOT trained troops, and by 2008 they had increased to 30,000 (Layton, 2015).

An ex-combatant explained that:

"The LTTE had not received sophisticated weapons to defend themselves. However, they followed countermeasures to defend their controlled areas such as established security barriers and trenches. Anyhow, SLSF destroyed these methods of the LTTE via heavy air strike, multi-barrel rocket launcher and artillery, and day by day moved ahead to the LTTE areas" (personal communication, March 18, 2016).

Surprisingly, the SLSF made speedy progress in capturing the LTTE at this stage. Within a short period, different types of established and well-trained SLFS groups penetrated LTTE-controlled areas. Accordingly, the LTTE and thousands of civilians

were pushed back into a corner as the SLSF advanced.[24] Finally, on 18th May 2009, government declared military victory over the LTTE.

4.4.1.2 International factors

Tamil Nadu of India had empowered the LTTE through arms, funds, training, and moral support. The central government of New Delhi attempted to negotiate as a third

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[24] Feeling increasingly confident, the government finally abrogated the largely fictional 2002 ceasefire in January 2008, and the Sri Lankan Monitoring Mission (a group of Scandinavian observers monitoring the ceasefire) closed on 16th January, leaving the government in full control of information emerging from the battlefield. The fighting caused significant casualties on both sides, with considerable resistance from the LTTE at certain points, where they decided to make a stand, but gradually the significant superiority of the army in terms of numbers and equipment pushed the LTTE back from their forward positions in the Vanni (Lewis, 2012). The army significantly increased its recruitment following early successes in the east, and also managed to cut a previously high level of desertion.

The government strategy was designed to retake coastal areas in the northwest, cutting the LTTE off from another key supply route from India, and linking up government forces in Jaffna and the South. Gradually, government forces moved up the coast to take control of the A32 road, which linked up north and south under government control. From those positions, they began to take control of the even more strategic A9 route, which would link Jaffna with the south under government control for the first time in two decades. Movement was slow and often incremental, facing LTTE positions which were heavily defended using mined earthworks. As the campaign progressed, the LTTE was in the difficult position of effectively being a guerrilla army defending static positions, but with almost no air support and limited heavy weaponry to defend itself (Lewis, 2012).

In January 2009, the incremental progress of the army up the coastline and around Kilinochchi suddenly showed significant progress. The army gained control of the key strategic junction on the A9 road at Paranthan and retook the highly symbolic Elephant Pass, which guards the entry to the Jaffna peninsula, and had been much fought over in previous wars. The 53rd and 55th Divisions now threatened the LTTE positions from the Jaffna peninsula. The LTTE faced probing attacks on four fronts, with the 58th and 57th divisions driving north and northeast towards the heavily defended town of Kilinochchi. The LTTE finally abandoned the defence of Kilinochchi in mid-January to avoid being encircled, and retreated to the interior (Lewis, 2012). An ex-combatant shared his experience about this period saying:

"The LTTE planned to bring SLSF to the nearby Irranamaddu Lake and then blast the bund using bombs which can be plunged into water, but the plan was not successful as the bomb failed to blast" (personal communication, March 17, 2016). Meanwhile, the 59th division was moving up the east coast towards Mullaitivu, pushing the LTTE further back into a small territory in the Vanni.

Between January and April 2009 government forces gradually closed the ring around remaining LTTE cadres, declaring a succession of ever smaller No-Fire Zones (NFZs) in which they claimed civilians would be safe from military attack. In reality, it appears that there was much less regard for civilian casualties than claimed by the military, and independent groups have argued that 'the security forces intentionally and repeatedly shelled civilians, hospitals and humanitarian operations' (ICG, 2010, p. 5 as cited in Lewis, 2012). UN agencies estimated that nearly 7,000 civilians were killed from January to April 2009, but other reports suggest the figure may have been as high as 30–40,000, including thousands killed in the last days of fighting in the final No Fire Zone (NFZ) (ICG, 2010, p. 5 as cited in Lewis, 2012).

The final defeat of the LTTE came in the space of several days of intense fighting which took place around this small NFZ in the northeast of the island. At this point the government was engaged in an intense diplomatic struggle to avoid international pressure for a ceasefire, which would have forced them to negotiate the surrender of the LTTE leadership or allow in some international presence to manage the final stages of the conflict. These initiatives reinvigorated fears among the leadership that international intervention would prevent their victory at the last moment. As a result, while strongly resisting a range of diplomatic initiatives to achieve a ceasefire, the military accelerated their push to defeat the LTTE completely. The exact details of the final days in May 2009 have been much disputed and have become the subject of a variety of investigations, but the military took control of the NFZ, killing most of the LTTE military leadership in the process, and taking about 280,000 civilians into internment camps; about 10,000 people, whom they claimed were LTTE military cadres, were placed in secure detention (Lewis, 2012). This complete control of the LTTE movement, including civilians, effectively prevented any possibility of low-intensity conflict developing after the main military campaign was ended.

party mediatory role via several ways. The notable tragedy to the failure of the LTTE was the murder of the former Premier of India Rajiv Gandhi in 1991 that challenged the LTTE to deal with Indian higher authorities and dilute the sympathy of India for the Sri Lankan Tamils. Another shocking event had taken place in May 2004 in India when the Congress government came to power. The widowed wife of murdered Premier Rajiv Gandhi headed the Congress party, and the LTTE could not get any support from the government of India (Hindwan, 2011). The LTTE assassinated Gandhi during his political campaign general election for his second term. The LTTE was afraid that if Congress returned to power in India, it would be blamed for the failure of the 1987 Indo-Lanka peace accord. Swamy (2010) argues: "it was the fear of Rajiv Gandhi's return to power and another possible confrontation with India that led Prabhakaran to take this ill-fated decision." The disastrous decision of the LTTE to kill the Indian leader was foremost caused by its failure in war strategically, and they could not regain popular support in Tamil Nadu (Swamy, 2010). Since then, the LTTE was proscribed as a terrorist movement and India gave its full backing to the state of Sri Lanka's campaign against the LTTE regionally and internationally (Nalapat, 2011).

Some scholars argue that India adopted an attitude that was seen as 'a neutral bystander to an anti-LTTE stand,' though there is ample evidence[25] of India's support for the state of Sri Lanka. The Mi-17s that India 'quietly gifted' to Sri Lanka were in addition to a Sukanya class offshore patrol vessel also gifted by the Indian Coast Guard to the Sri Lankan Navy in 2002. These weapons played a major role in several daring missions launched by the Sri Lankan Air Force to rescue the army's deep penetration units and injured soldiers from deep inside LTTE-held territory. Gokhale (2009) quotes senior Sri

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[25] Even as it publicly refused to give Sri Lanka any offensive weapons for the war against LTTE, India had a "hidden hand" in the success of the island nation's campaign over the terrorist outfit (Gokhale, 2009).

Lankan army officers as saying that thanks to the Mi-17s, the soldiers operating behind enemy lines functioned with a greater degree of confidence since they knew these choppers were always at hand to come to their rescue whenever necessary. This was, to their minds, the key factor why the Special Forces delivered spectacular results. The Indian Navy helped the Sri Lankan Navy destroy ships carrying arms in the Indian Ocean which was a serious setback to the LTTE.[26]

On the other hand, at the high point of the civil war, the Sri Lankan government asked the Indian government to give the Sri Lankan military the best class weaponry, for example, rocket launchers, rockets, assault helicopters and so forth so that the LTTE could be crushed. However, because of domestic issues in India, the legislature declined to supply any weapons which they regarded as hostile in nature.

Pakistan considered this to be an opportunity and jumped at the chance to make another partner in South Asia. Pakistan gave Sri Lanka US-made weapons and technology which they were getting for nothing from the United States government to battle their own guerillas. At first, the Pakistani government supplanted Col. Wali Mohammed as the High Commissioner of Pakistan in Sri Lanka. They selected Air Vice-Marshal Shehzad Aslam Chaudhry as the High Commissioner. Chaudhry's appointment was exceptionally crucial as a result of his involvement in propelling air strikes against the Baluch warriors in Baluchistan. The Pakistani Air Force sent 15-17 experienced officers to Colombo who had a profound knowledge of air battle to stem revolts. This corps of officers of the PAF would draw up plans for the SLAF and help them with air assault strategies that caused

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[26]Colombo may have been ambivalent about meeting Indian requests to end the operations before the general elections but the Sri Lankan leadership once again gratefully acknowledged the Indian Navy's contribution in locating and destroying at least 10 'floating warehouses' owned by the LTTE that were used by the Tigers to store arms, ammunition and even armoured personnel carriers. Well-coordinated operations by the two navies between 2006 and 2009 actually broke the backbone of the Sea Tigers (Gokhale, 2009).

extreme harm. After the inclusion of the PAF, the Sri Lankan Aviation-based armed forces' strikes against the LTTE turned out to be more merciless and unforgiving. Other than helping the Sri Lankan Aviation-based armed forces, Pakistan additionally furnished the Sri Lankan military with cutting edge rifles, mines, rockets and rocket launchers and other hostile weapons. Hence, Pakistan carefully got on board into the Sri Lankan civil war, along with China, to supply military assistance during the end of war which filled the vacuum left by India. This regional factor also caused the defeat of the LTTE.

At the end of the 20th century, the militant social forces faced challenges from different parts of the world. Many militant organisations were proscribed as terrorist movements in the post-cold war era. In case of the LTTE, it was challenged not only by the state of Sri Lanka but also faced setbacks in the international arena, and this situation led to the destruction and defeat of the LTTE in 2009. Mayilvaganan (2008, p. 25) interprets this experience by identifying that developments such as the 'Global War on Terror' (GWOT), the subsequent change in the international view of rebellious groups, and the domination of the SLSF since 2006 have had an adverse impact on the LTTE's efforts to seek a solution through violent activities.

The UN Declaration on "Measures to Eliminate International Terrorism" was adopted in 1994 and a 'UN Ad Hoc Committee on Terrorism was formed two years later.' After 9/11, this view gained further international legitimacy. The international consensus on the need to fight terrorism in all shapes formed the basis of initiatives like the GWOT. The horrendous events of September 11, 2001, in the United States led to the consequent developments such as GWOT, the UN Security Council Resolution (No. 1373) on counter-terrorism (Mayilvaganan, 2008, as cited in United Nations Security Council [UNSC], 2009). Under terms of the text in the resolution, "the Council decided that all States should prevent and suppress the financing of terrorism, as well as criminalise the

deliberate provision or collection of funds for such acts. The funds, financial assets and economic resources of those who commit or attempt to commit terrorist acts or participate in or facilitate the commission of terrorist acts and persons and entities acting on behalf of terrorists should also be frozen without delay" (UNSC, 2001).

The international community advocated peace for Sri Lanka by pledging aid and encouraging a resolution to the conflict via autonomy in the Tamil areas of North and East. At the same time, it had proscribed the LTTE as a terrorist organisation under GWOT, particularly after 11th September 2001. As a consequence, the LTTE faced severe international setbacks due to the proscription. The LTTE had been banned under the anti-terrorism legislation by the USA (in 1997), UK (in 2001) and India (in 1991). Other countries, such as Australia and Canada (in 2002), and European Union-EU (2006) had prohibited its fundraising activities (Zissis, 2006; Washington Post, 2006; BBC 2006; Nadarajah & Sriskandarajah, 2005; Mayilvaganan, 2008).[27]

The consequences of these developments directly influenced the strong social force of the LTTE and its international network. Most important being its fund-raising activities via the Tamil diaspora in the west and arms procurement which were key support mechanisms that helped the LTTE to grow as a strong force to contest with state of Sri Lanka. One of the very serious issues was freezing pro-LTTE bank accounts which prevented billions of US dollars from reaching the LTTE (O'Duffy, 2007). It is crucial to indicate that the LTTE was banned by Canada and Britain in 2005 and 2006 respectively.

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[27] As a result of the EU ban, the LTTE demanded the EU member states, Denmark, Finland and Sweden, forming the SLMM, to leave the country. The LTTE decided that these countries could not give an unbiased observation of the ceasefire between the two parties (the GOSL & the LTTE). The number of 'peace observers' with the SLMM was reduced drastically when the three EU members left Sri Lanka on 1st September, 2006.

Thus, restrictions upon pro-LTTE diaspora's activities in the West impacted on the failure of the LTTE while strengthening state security (Smith, 2010 as cited in Raghav, 2016).

Besides, the US and its Western allies imposed curbs on the LTTE through the GWOT mechanism. The US blocked selling of arms to Sri Lanka in 2007 and reduced its aid in 2008 due to the human right violations record of this country. However, the US and its counterparts did not consider how Asian geopolitics in the region was crucial in the defeat of the LTTE in the last years of the war. China's bilateral aid to Sri Lanka had been increased five times during 2007 and 2008 and Colombo was a leading recipient from China. It increased up to US$ 1 billion which was deployed to purchase weaponry from China and Pakistan (Parasram, 2012)[28]. "Support from countries facing secession movements of their own filled the aid gap, with military equipment from China, Russia, and Israel including tanks, radars, and jets" (Wezeman, 2009 as cited in Parasram, 2012). The state of Sri Lanka carefully utilised relations of China during the US's reduction of aid and arms. Further, it gained safeguards from the UN Security Council through the veto of China. Hence, the alienation and restriction of the US and the West which in addition to the regional geopolitical power of China and its support for the Sri Lankan state weakened the militant social force of the LTTE.

4.5   Summary

This chapter historically reviewed state-society relationships and rivalries, specifically from the post-independence period up to the turn of the century. The LTTE's growth into a strong social force was traced and how it went on to challenge the image and actual

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[28] Iran and Russia gave more military help and helped create an expert military. Subsequently, the war was won within three years.

practices of a unitary model of the state. The process weakened the strong unitary state and strengthened the social force (the LTTE). Both came to the point of a military stand-off which led to the negotiations. The LTTE acted like a state through its control of a substantial portion of the territory in the North and East which was demarcated by the CFA.

This chapter also reviewed Norway's peace-making roles in the last stages of the peace negotiation process of Sri Lanka. However, the brokered CFA was in danger of collapse since the government of Sri Lanka and the LTTE were on the brink of a renewed civil war. The important final section analysed the renewal of the war and how the strong social force of the LTTE failed, with the military securing victory for the state. It identifies the national and international factors which contributed to the failure of the LTTE who challenged the state for the formation of a separate state for the Tamil minority. The next chapter reviews the lessons learnt – and not learnt – by the key actors in this long drawn out conflict in Sri Lanka.

CHAPTER 5: THE KEY LESSONS FOR THE STATE AND TAMIL MINORITY DERIVED FROM THE CIVIL WAR

5.1 Introduction

This chapter discusses the key lessons for the state and the Tamil minority that can be derived from the conflict-induced civil war that ended in 2009. To understand the lessons for key categories and sub-categories, there is a need to separate the discussion to see how military losses motivated the introduction of inclusive policies to resolve state-minority contestations.
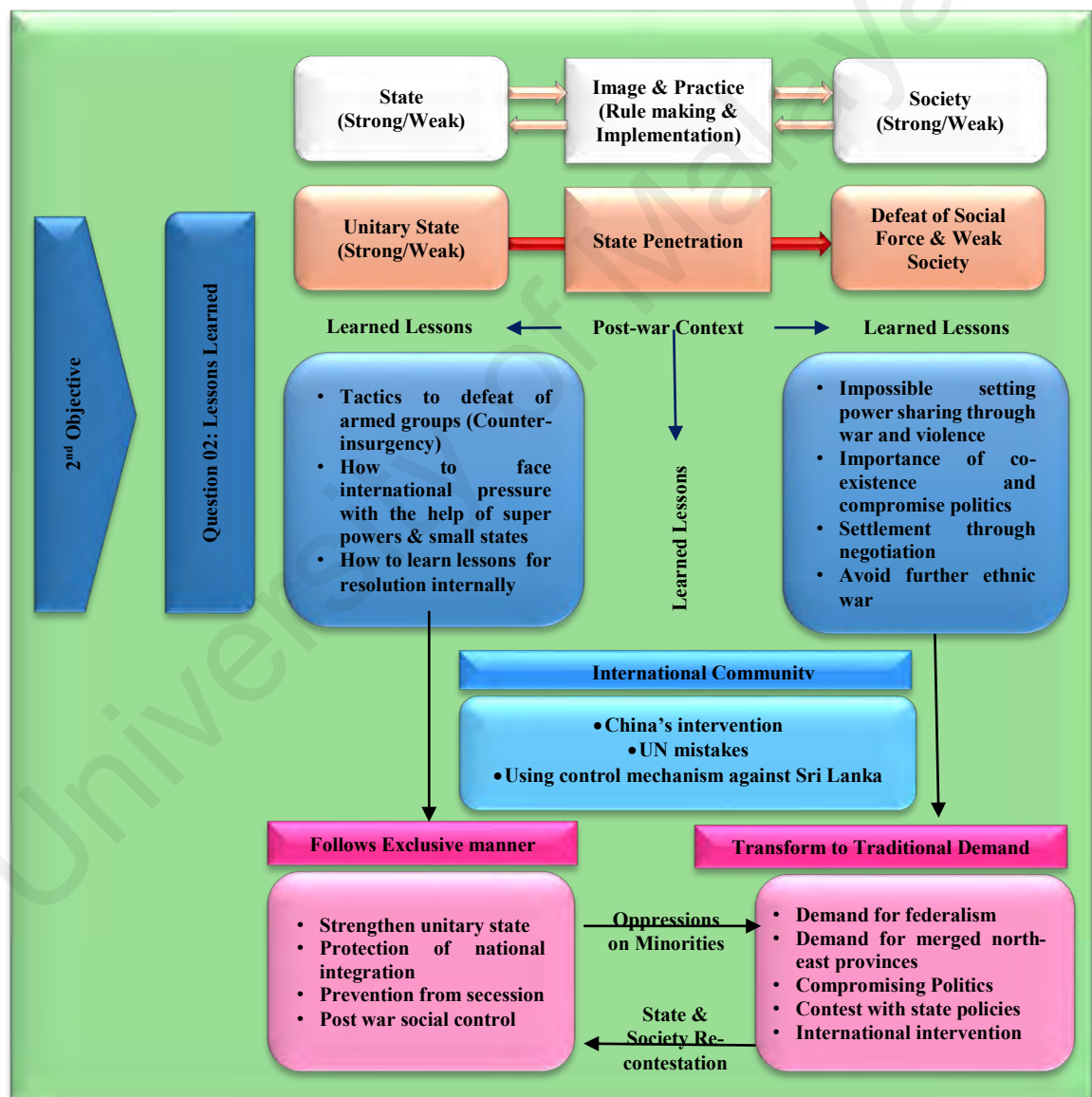

Figure 5.1 Key Lessons for State and Tamil Minority Derived from Civil War

(Source: Designed by Researcher)

5.2   Lessons for State

This study reveals lessons from the civil war to highlight what happens when the majoritarian state which predominantly represents the Sinhala political elites introduced policies that excluded minorities from the state system and centralised unitary state power in Sri Lanka. Tamil social forces demanded state reconstitution (federal solution) which led to state-authorised violence directed (1956, 1958, 1977, 1981 and 1983) against the Tamil minority. By the late 1970s, the ethnic Tamil social force for state reconstitution transformed into a militant social force in the form of the LTTE to form a new state. In due course, the conflict became a protracted civil war which destroyed the state and society and ended in 2009. The civil war contains lessons to avoid policies that exclude minorities.

Another promising lesson was the success of Sri Lanka's counterinsurgency to defeat the strong militant social force of the LTTE. Various academics, policymakers, and the American Federal Bureau of Investigation (FBI) described the LTTE as 'one of the world's most ruthless,' 'most dangerous, 'most innovative, 'adaptive,' and 'most professional and formidable' groups in the world. Led by Velupillai Prabhakaran, the LTTE gained international notoriety by pioneering the use of suicide bombers, female fighters, and even the use of chemical attacks (Lalwani, 2017). Thus, scholars of counter-insurgency, terrorism, rebel governance, civil wars, and ethnic politics have all found the Sri Lankan government's decisive triumph over the 'a team of strong militant social force' immensely surprising and worthy of further investigation (Lalwani, 2017). Sri Lanka's former Defence Minister Gotobaya Rajapaksa went as far as to label Sri Lanka's success

against the LTTE as the 'Sri Lankan Model' and encouraged other countries to follow Sri Lanka's direction in their counterterrorism/counterinsurgency eff orts.[29]

The state also learned that it is necessary to stop and prevent the formation of militant social forces to prevent other major contestations and devastations. To this end, the state has taken meaningful action against the "Ava Group" which slowly grew and initiated violence in the Jaffna peninsula of the Northern part of Sri Lanka where the LTTE dominated. The state introduced law and order mechanisms to prevent the escalation of violence.

This particular victory is a lesson to the state and international community of how to defeat the militant social forces who seek a separate state using modern combat tactics. Moreover, the state's counter-insurgency revealed that its use of force violated international laws.

Consequently, the international community and human rights organisations deliberated war crime allegations committed by the state of Sri Lanka and the LTTE during the last phase of the war. UN secretary-general Ban Ki-Moon appointed a three members panel to investigate and report the war crime allegations against both sides. After careful investigation, the UN panel of experts submitted their report to the secretary-general on 12th April 2011 (Behuria, 2011). Report "found the claims of government and LTTE implication in series of violations of international humanitarian and human rights law, to be credible" (Hoglund & Orjuela, 2013, p.308). Further, the report recommended an independent international inquiry into so-called war crimes committed by both sides. President Rajapaksa tried to put it off for a year, and as a result of mounting international pressure, an impartial international investigation of war crime allegations named the

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[29] The Asian Age, "Any Country Facing Terrorism."

Lessons Learned and Reconciliation Commission (LLRC) was established with eight members.

The much-anticipated final report of the LLRC was submitted to the President on 15 November 2011 but the report remained unpublicised until 16 December 2011. The commission was appointed to investigate the facts and circumstances of the failure of the Cease Fire Agreement which was operational since 22 February 2002. The commission also had to follow up on the sequence of events that followed thereafter up to 19 May 2009 and the lessons that should be learnt from those events. The institutional, administrative and legislative areas were also looked into to prevent any recurrence of misunderstandings in the future and to promote further national unity and reconciliation among all communities (LLRC, 2011; Ratwatte, 2012). The mandate of the Commission, fundamental requirements, witness protection, 'composition, and the legal framework of this operation,' as well as the miserable record of previous similar bodies in the post-independent Sri Lanka, had led some to dismiss the LLRC as insufficient to its significant assignment.[30] The local and international community criticised the report which had not met the international stranded nor resulted in meaningful action. In March 2012, the UN Human Rights Council passed the United States sponsored resolution critical of the government, and there remains a possibility that an international commission of inquiry might ultimately be established (Lunn, 2012).

On 26 July 2012, the Government released a National Plan of Action (NPA) to implement the recommendations of the LLRC (*DailyFT*, 2015). This plan was formulated

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[30] For e.g., see the joint letter of Amnesty International, Human Rights Watch, and the International Crisis Group to the LLRC outlining their decision not to testify before it. Retrieved from http://www.hrw.org/sites/default/files/related_material/ LLRC %20joint%20letter%20FINAL%2013%20Oct%202010.pdf.

during Mahinda Rajapaksa's leadership. However, more than three years later the overall implementation status of the LLRC recommendations had been disappointing. Meanwhile, the newly-elected President Maitiripala Sirisena and the national government pledged to implement recommendations of the LLRC. Thus, according to the above observations, not only did the state of Sri Lanka learn lessons to manage international pressure via different strategies but also to get the support of the small states who were members of international bodies like UNHRC. Through the relationship with these countries, the state attempted to get support in the voting during the US sponsored resolutions against to Sri Lanka in UNHRC on allege war crime during the final stage of the war.

On the other hand, Sinhalese and Tamils political elites perceived that the persistent commitment of the LTTE for the formation of a separate state for Tamils was a fundamental obstacle to find a resolution to the conflict through a power-sharing arrangement. It was in this context that many observers viewed the LTTE's defeat in May 2009 and end of the civil war as a decisive turning point in the history of island's ethnic conflict (Marcelline and Uyangoda, 2013). However, the state has not taken any meaningful initiatives so far to introduce inclusive policies to accommodate minorities into the state system. It means that Sri Lanka has not learned lessons from the civil war that ended in 2009.

5.3   Lessons for Minority

The Tamil minority are real victims of the 26 years civil war, predominantly those residing in the Northern and Eastern provinces of Sri Lanka. They should have learned

lessons from this brutal civil war and its consequences.[31] In the post-LTTE era, the LTTE formed the TNA during the later stage of the civil war to guide the Tamils as a result of lessons learned from the civil war. They learned that it was impossible to gain inclusive policies and power-sharing through a military-based struggle. In this regard, they returned to the democratic approach with the majoritarian Sinhala state and its elites throughout the presidential, general, provincial and local government elections in the post-civil war period.

The TNA was keen to re-define the Tamil political project within the framework of devolution, in the new post-civil war political context in which the LTTE no longer shaped the minority rights discourse. There was a shift in policy from a pre-civil war period to a post-civil war one. In the pre-civil war period, the ethnic Tamil project for equal recognition and power sharing was based on a demand for internal self-determination in the form of a federal arrangement. Whereas in the post-civil war context, the Tamil project seems to have been a greater commitment to reconstituting the Sri Lankan state rather than to seek secession. This shift is seen in the consensus among most of the Tamil parties to advance their politics of group rights through an inclusive approach.

As a result of this opinion change among the Tamil minority, they began to consider the politics of compromise with the majority-controlled state in contemporary Sri Lanka. For this purpose, the TNA is seeking support from the international community and Tamil

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[31] During the civil war in between 1983 to 2009, an estimated 100,000 Sri Lankans were killed, 40,000 of them in the last month of fighting (ABCnet, 2014; Yass, 2014). About 800,000 people were forced to flee during the civil war (Internal Displacement Monitoring Centre [IDMC], 2014), over 280,000 of them became IDPs in the last phase. A great number turned out to be wounded and psychological casualties of the civil war (Ruwan, 2014). Reports of the international organisations also provide evidence of war crimes committed by the government, military and the LTTE. Thus, protracted ethnic conflict and civil war should have provided lessons for minority Tamils.

diaspora. The minority Tamil parties, who maintained a coalition with majority ruling elites, strongly believed that they could gain benefit for the Tamil people only by integrating with the majority.

5.4   Lessons for International Community

About nine years after the civil war ended in Sri Lanka, the International Community (IC) still faces questions about the definition of intervention. Even if there was a desperate need to protect civilians when the rule of law becomes ineffective, lessons from the civil war of Sri Lanka need to be learned.

Post-September/11 and the GWOT effort to demolish terrorist activities in the world negatively impacted on the 26 years of Sri Lankan civil war. The IC, especially the US and its Western alliance, prescribed the LTTE as a terrorist organisation. Restrictions were imposed on the Tamil diaspora groups lobbying in west and support increased for the government of Sri Lanka to defeat social forces who fought for a separate state

The IC tried to implement the GWOT but failed to counter China's successful diplomacy. Sri Lanka moved towards Asian power for support. Thus, the mismanagement or diplomatic failure of the West meant that human rights violation went unchecked in Sri Lanka's civil war.

The US continuously provided direct military assistance to Sri Lanka to defeat terrorism, but due to a report of the human right violations by the state of Sri Lanka, the US stopped direct military aid in 2007. China strategically capitalised on the situation and directly provided military support to Sri Lanka. It increased its aid to nearly US$1 billion to become the island's biggest donor, giving sophisticated weaponry worth 10s of millions USD. It also gave a free gift of six F7 fighter jets to the Air Force of Sri Lanka.

China also instructed its counterpart Pakistan to sell more arms and pilot training to new jets. China prevented the issue of Sri Lanka from arising in the agenda of UNSC, even human cruelty and brutality were rampant and out of control. China, along with Russia, blocked Sri Lanka from being discussed by the UNSC (Genser & Colter, 2012).

Throughout the civil war period in Sri Lanka, numerous UN-based organisations, alongside various other intergovernmental organisations (IGOs), and International Non-governmental Organisations (INGOs) operated in the war-torn areas. Unfortunately, as a result of the government strict instruction UN agencies, these organisations were obliged to leave the war-torn areas where people faced humanitarian disaster during the last months of the war (Perera, 2015).[32]

At the invitation of the former President Mahinda Rajapaksa, the Secretary-General of the United Nations, Ban Ki-moon, paid a 24-hour visit to Sri Lanka on 23 May 2009 (UN, 2009). "The Secretary-General expressed his view on three key priorities: (a) ensuring adequate assistance to the nearly 300,000 persons who were displaced by the conflict; (b) the early resettlement of the IDPs and reconstruction of northern Sri Lanka; and (c) the need for political dialogue and reconciliation between the government and minority groups, particularly Tamils" (Moore, 2011).

Following the joint statement, there were delays on the part of the Sri Lankan government who failed to implement the agreed assurances for a number of months,

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[32] During the internal conflict that started in Sri Lanka three decades ago, several UN agencies, along with various other Intergovernmental Organisations (IGOS) and international non-governmental organisations (INGOS), were based in the war-torn North and East, serving people affected in the conflict zone. The situation provided ample opportunity for these international organisations to attain an insiders' view and a better understanding of the difficulties faced by civilians living in these areas, while providing them with much needed aid. It has been widely reported that towards the end of the war, on the directive of Sri Lanka's Defence Ministry, the UN agencies as well as the other local and international organisations were compelled to leave the areas demarcated as the war zone, in spite of the large number of civilian demonstrations pleading with the UN agencies to stay because of the protection their presence would ensure. The Petrie Report asserts that the closure of offices and the subsequent withdrawal of UN agencies from the war-affected regions represent a failure on the part of the UN to "...act within the scope of institutional mandates to meet protection responsibilities" (pp. 27).

leading to pressure for an international probe. Consequently, Secretary-General Ban Ki-moon appointed a three-member panel of experts on 22 June 2010 to advise him on accountability issues relating to alleged violations of international human rights and humanitarian law during the final stages of the war in Sri Lanka that ended in 2009.

The UN panel of experts recommended to deeply investigate suffering of the civilians during the last stage of the civil war and actions of the UN agencies. Thus, the UN Secretary-General appointed an internal panel to review the recommendation made by previous three members' panel. The report of the internal panel "concludes that the United Nations system failed to meet its responsibilities, highlighting, in particular, the roles played by the Secretariat, the agencies and programs of the United Nations country team, and the members of the Security Council and Human Rights Council" (UN, 2012). After the civil war, the international community or major powers were criticised for their inaction to avoid humanitarian violations during wartime.

After several efforts, war crime allegations were brought to the UN Human Rights Council (HRC) on March 2012 where "a U.S.-sponsored resolution on promoting reconciliation and accountability in Sri Lanka was adopted with a strong majority of states," together with Sri Lanka's powerful adjoining neighbour, India (UNHRC, 2012, as cited in ICG, 2013). The resolution called on Sri Lanka to adopt the recommendations of President Rajapaksa's Lessons Learnt and Reconciliation Commission (LLRC).[33] The HRC's second resolution (A/HRC/22/L.1/Rev.1) on promoting reconciliation and accountability in Sri Lanka was adopted by a vote on 21-03-13 (25 in favour, 13 against,

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[33] The HRC's resolution also criticised the report and provided the space for implementation of its constructive recommendations of the LLRC. This expresses a message that the HRC agreed and requested the implementation, particularly the recommendations of the LLRC which the international community recognised.

8 abstentions). Therefore, the resolution mainly "calls upon the Government to conduct an independent and credible investigation into allegations of violations of international human rights law and international humanitarian law, as applicable" (UNHRC, 2013).[34]

The US and its allies sponsored a third resolution against Sri Lanka at the 25th session of the UNHRC in March 2014. According to Bruce (2014), despite the fierce objections of Sri Lanka, the UNHRC went ahead and voted for an international investigation into possible war crimes by both the Sri Lankan government and the Tamil Tiger rebels. Of the council's 47 members, votes were 23 to 12 with 12 abstentions in favour of a resolution sponsored by a core group of nations, which included the US who called upon the Office of the High Commissioner for Human Rights to conduct a comprehensive investigation into allegations of serious violations and abuses of human rights by both sides.

Another crucial point in the international pressure and UNHRC resolutions was that the 30th session of the UNHRC requested the Sri Lankan government to form a Hybrid Special Court. A UN report published on 16th September 2015 identified patterns of grave violations in Sri Lanka between 2002 and 2011, strongly indicating that war crimes and crimes against humanity were "most likely committed by both sides to the conflict. The report recommends the establishment of a hybrid special court, integrating international judges, prosecutors, lawyers and investigators, as an essential step towards justice" (Zeid, 2015). As a result of the discussion among members of states, and explanation of the Foreign Affairs Minister of Sri Lanka, Mangala Samaraweera, the term

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[34] The resolution indicates criticisms of unsatisfactory implementation of the previous resolution that "the national plan of action does not adequately address all of the findings and constructive recommendations of the Commission." The second resolution also requested the Sri Lankan government to conduct a domestic inquiry on the matter of accountability which was another favourable resolution to this government to adopt national mechanism findings.

'Hybrid' was omitted, and it was agreed to re-term it as 'special court' in the resolution. The Resolution (A/HRC/30/L.29) was adopted without a vote at UNHRC on promoting reconciliation, accountability and human rights in Sri Lanka (01-10-2015).

5.4.1 Lessons for Tamil Diaspora

At the time of civil war in Sri Lanka, the Tamil diaspora actively participated foremost through financing and intellectual backing for a separate state (Orjuela, 2017). The Tamil diaspora's activities shifted from the battlefield to strategic diplomacy that mounted pressure on the state of Sri Lanka via lobbying activities of the international community.

The Tamil diasporic organisation in the West have targeted lobbying state authorities, political parties or local representatives as well as international institutions to bring pressure on the state of Sri Lanka to implement policies advantageous to the Tamil minority. They tried to influence the international community via war crime allegations against the state security forces and calling for acknowledging the status of Tamils. Nevertheless, the diaspora does not prioritise a solution to the root causes of the conflict (Guyot, 2017). Given that the Buddhist-based majoritarian government-sponsored violations against the Tamils in post-war Sri Lanka, the Tamil diaspora organisations also called for action to safeguard Tamils from the violence and political persecution.

The actions of these organisations can take the form of direct lobbying, awareness campaigns or public protests for occasions such as the anniversary of the 2009 massacres, the sessions of the Human Rights Council in Geneva or the visit of a Sri Lankan political leader. As indicated by several Tamil lobbyists, Tamil activism has evolved from primarily based on large public protests right after the war to more professional lobbying conducted by only a few activists, as a result of stronger links built with Western decision-makers.

Where the Tamil population constitutes a large part of the electorate, in certain constituencies of London, Paris or Toronto for instance, local Western politicians tend to make strong statements in favour of the Tamil cause, including the Tamils' right to self-determination. Such supports are also visible at the national level, especially in election times, since Tamil organisations try to channel the vote of the community towards the candidates that support Tamil claims most clearly.

5.5   Mutual Transformation of State and Society

The unexpected defeat of the LTTE in 2009 provided the opportunity for a transition to post-war politics through inclusive policies in Sri Lanka. According to Migdal (1998, 2001), the devastation of the secessionist social force (the LTTE) tremendously weakened society in its dispute with the state, and it led to the re-establishment of a strong unitary state once again in the history of Sri Lanka.

5.5.1   The Strong Unitary State and Weak Minority

Several years after the civil war, no successful state transformation and reconstitution had taken place to include the minority group. Instead, the aim was to consolidate the unitary state, establish a new political dynasty under President Mahinda Rajapaksa and his extended family, and weaken democracy (Goodhand, 2012). In short, this situation proves Migdal's argument that demolition of the strong social force causes a failed state reconstitution and provides a platform for reestablishment of a strong unitary state. The state felt that after the military victory any inclusive mechanism should take place within the unitary state and must follow the measures to avoid secession.

Migdal (1998, pp. 20-21) further argues that "for a state to survive and be able to gain strength, it has to have the ability to mobilise the society and have the capability to

penetrate society, regulate social relationships, extract resources, and use resources appropriately. Strong states are those with high capabilities to complete these tasks, while weak states find it difficult." Migdal (1998) also points out that there should be skilful leadership as an important condition for creating a strong state. In the case of Sri Lanka, Rajapaksa was a skilful leader to form a post-war strong state. In the Sri Lankan state, strong man Mahinda Rajapaksa as a war hero, used his popularity that he gained due to the victory over the LTTE (De Votta, 2010) as a propaganda strategy to mobilise society towards his two electoral victories in the 2010 elections. These two electoral contests; presidential election on January 26, 2010, and parliamentary election on April 8th, produced huge social mobilisation and the people provided extended support to Rajapaksa and his UPFA coalition. Incidentally, the UPFA consisted of political and ideological forces that had in the past stood for the oppressive perspectives of unitarism and devolution in the state reconstitution of Sri Lanka.

The war led the unitarist state to reform its perspective to gain an ideological and political upper hand within the UPFA regime. The parties in support of President Rajapaksa's bid for a second term included hard-line parties such as the JHU, Mahajana Eksath Peramuna (MEP – People's United Front) and last but not least the National Freedom Front (NFF), the party that denied the existence of an ethnic conflict in Sri Lanka and also opposed the system of provincial councils. The need for power-sharing arrangements with ethnic minorities at the regional level was refuted by these parties, and they were in support of a strong executive presidency on the argument that it was a safeguard against future attempts at secession (Marcelline & Uyangoda, 2013). At the end of the civil war in May 2009, the current President Rajapaksa embarked on a new path of state-rebuilding (Wickramasinghe 2009, p.p. 1045–46).

For creating a strong state, the emergence and growth of such radical social forces within the Sinhalese majoritarian politics were important. To make his regime stronger, he also had the support of the pro-devolution left parties as well as the ethnic minority parties. This included the EPDP, the TMVP, All Ceylon Muslim Congress (ACMC) and the Ceylon Workers' Congress (CWC), all of whom continued to argue the need for a political solution to the ethnic conflict (Marcelline & Uyangoda, 2013). These minority social forces were not by any means a replacement for the defeated LTTE and hence were unable to contest with the state. This enabled the formation and continuation of a strong state by Rajapaksa. Consequently, the lack of political balance of forces within the UPFA regime disrupted the opportunity for state transformation and reconstitution.

A strong state should have the capability to penetrate society and regulate social relationships (Migdal, 1988). In the post-war context of Sri Lanka, the strong state rapidly increased its capability to penetrate weakened Tamils and regulate their social relationship in the Northern and Eastern provinces where the LTTE had ruled for many years. As a result of the long drawn out war, the Tamil society was an extremely affected and vulnerable community. They had lost loved ones, property, and livelihood, got displaced and became refugees.

To deal with the weakened Tamils, the strong state increased its capacity as indicated by De Votta (2010, p. 333):

> For instance, under the Mahinda Rajapaksa government, no criticism of the
> military and its leaders had been tolerated, and those who have reported on
> crimes perpetrated by military figures or corruption within the military had
> been abducted, assaulted, imprisoned, murdered or disappeared. Similarly,
> the press was also free to report on almost all issues provided it was not
> overly critical of the president and his family. Most troubling was the rule

of law, which gradually vitiated due to favouritism, corruption, and the war against the LTTE, had ceased to apply to the ruling cabal, their immediate families and relatives, and ardent supporters. In short, rewards and punishments were increasingly administered by presidential fiat (or through the dictates of those close to the president), not through the constitutional process. From this standpoint, the term 'soft authoritarianism' was most appropriate when discussing Sri Lanka under the Mahinda Rajapaksa government.

The strong state set up certain tools to penetrate society and regulate social relations. First, the organisation and mobilisation of SLSF. Upon becoming president, Mahinda Rajapaksa took office as the Defence Minister and assigned secretary of the Defence Ministry to his brother Gotabhya, a former officer in the military, and this led to an unusually close nexus between the civilian and military commands (De Votta, 2009a, p. 1038). General Sarath Fonseka played a major role to defeat the LTTE in the Rajapaksa regime. In the post-war situation, General Fonseka claimed not to have supported Gotabhya in utilising the army for the malpractices and extrajudicial purposes. Gradually, Fonseka was side-lined, removed from the post of army chief and alienated in the military activities of the state. General Fonseka went on to join the opposition and contested the January 2010 presidential election which he lost.

With his election loss, Sarath Fonseka was politically victimised by the Rajapaksa regime. He was due to be charged rather cunningly, in both military and civilian courts on the grounds of violating the army's code, planning to conduct a coup and attempting to murder the Rajapaksa family. By arresting the chief opposition candidate, the Rajapaksa government further undermined its opponents and sought to ensure that it would win the upcoming parliamentary elections with a two-thirds majority, as in doing

so it would allow the government to amend or change the constitution to extend Rajapaksa's term as president and/or further consolidate his and his family's rule over the country. The arrest was also designed to send a signal that dissuades anyone from challenging Rajapaksa and his government. This milieu of insecurity, the weakened opposition, the demotion of military personnel loyal to Sarath Fonseka, and promotion of those loyal to the Rajapaksa regime all appeared to ensure that the island was well on its way to becoming a 'hard' authoritarian state. Further, the Rajapaksa regime also recruited retired military personnel to play important roles within government and the diplomatic service as entangling the military in the governing process helped consolidate its rule.

The state's main concern was the threat of post-LTTE Tamils' regrouping and restarting the conflict. For that reason, "both the Criminal Investigation Department (CID) and Terrorism Investigation Department (TID) were strengthened, and also paramilitary group's members (TMVP, EPDP, Karuna faction etc.) and ex-combatants amalgamated with CID and TID. Members of CID, TID and their support wing were assigned to stay together with people in the former LTTE-controlled villages or areas. They penetrated into society to monitor ex-combatants and worked as a shadow to regulate their social relationships. They occasionally visited and investigated ex-combatants to monitor their relationship with youths, INGOs, foreigners, media personals and researchers" (personal communication, March 17, 2016). "The state had suspicions that ex-combatants could betray the military secret of war crime activities during the final battle and about the shortage of post-war peace-building activities which could easily reach the international human rights organisations and media" (personal communication, December 12, 2015). State security divisions not only monitored the ex-combatants but were also suspicious of civilians such as youths, government servants, NGO representatives, media personnel and local politicians. These regulatory activities denied

a return to normalcy in the former war-torn areas (personal communication, March 16, 2016)

"The state tightened security by establishing new navy camps and army camps in focal points to avoid arm trafficking and police stations to maintain civil administration. Civilians in these areas felt insecure due to the presence of security forces and complained and submitted requests to the state directly as well as via area politicians; however, there were no noticeable changes taking place" (personal communication, March 21, 2016).

In the meantime, "the state introduced other security strategies within the North, East and other parts of the country by dividing SLSF into separate teams along with other paramilitary groups whose roles entailed abduction, assault, robbery, extortion, imprisonment, murder, and disappearances, though the notorious white vans. White van targets included media personnel, businessmen, ex-combatants, politicians, social workers, NGO representatives and any other persona non-grata of the regime" (personal communication, February 13, 2017).

Another manifestation, perhaps to create fear and insecurity was the phenomenon of "grease devils"—naked or semi-naked men smeared in grease who were alleged to have sexually assaulted women throughout the island, particularly in the north and east. Recorded attacks had often led to demonstrations and reprisals by the local population against the SLSF, who was suspected of being the culprits or complicit in the attacks. This caused a series of rumours and theories about the causes and causers of violence. This phenomenon points to the post-war transformation of violence and an extensive distrust of the security establishment, leading to vigilantism and violent protests (Goodhand, 2012, pp. 133-134).

Secondly, the state attempted to fragment minority parties in order to weaken state reconstitution via penetration and then regulate the social relationship. During the civil war, the LTTE simultaneously expanded its political presence. It entered into an agreement with the Tamil parties such as All Ceylon Tamil Congress, Eelam People's Revolutionary Liberation Front (EPRLF) (Suresh wing), Tamil Eelam Liberation Organisation (TELO), and Tamil United Liberation Front (TULF) and a coalition, the Tamil National Alliance (TNA), was formed as a joint political platform for pro-LTTE political forces. The LTTE allowed TNA to function in the North and the East on the condition of accepting the LTTE as the 'sole representative' of Tamil people (Mayilvaganam, 2008, p. 29). In the post-war politics, the TNA continues as a sole representative of the Tamils and won substantial parliamentary and local council memberships.

In the aftermath of the parliamentary election of January 2010, the TNA won 14 seats, the highest number of seats for a single party from the North and East, and also began to move towards a more reconciliatory position with the UPFA government. Significantly, at the parliamentary elections of 2010, the TNA dropped from the electoral list those candidates who were seen to be pro-LTTE and instead chose candidates who held seemingly moderate views. In its more conciliatory approach, the TNA emphasised that there was a trust deficit between itself and the government and wanted to address it. Central to the TNA argument was the point that a move away from antagonistic politics would facilitate their inclusion in the reconstruction and development process in the North and East, and in a political process towards power-sharing. This change of approach of the TNA appeared to be based on the understanding that the end of the civil war, and the end of the LTTE, had transformed the political framework for a debate on state reconstitution requiring new strategies for dealing with the Sinhala political elite (Marcelline & Uyangoda, 2013). During the civil war, the LTTE in its quest for

alternative sovereignty had framed the minority rights discourse within the conceptual framework of external self-determination.

The TNA was keen to re-define the Tamil political project within the framework of devolution, in the new post-civil war political context in which the LTTE no longer shaped the minority rights discourse. There was a shift in policy from a pre-civil war period to a post-civil war one. In the pre-civil war period, the ethnic Tamil project for equal recognition and power sharing was based on a demand for internal self-determination in the form of a federal arrangement. Whereas in the post-civil war context, the Tamil project seems to have a greater commitment to reforming the Sri Lankan state than to secession. This shift is seen in the consensus among all Tamil parties to advance their politics of group rights through a federal arrangement or a system of enhanced powers to provincial council. The Indian constitutional arrangement of power sharing and policies of affirmative justice, or positive discrimination for disadvantaged communities, are cited as examples to draw from (Marcelline & Uyangoda, 2013).

On the one hand, Sinhalese majoritarian ruling class who led the UPFA to weaken TNA and maintain alliance via a coalition with anti-LTTE parties of EPDP and TMVP in the Tamil politics. The Sri Lankan state was now in a position to use these anti-LTTE Tamil satraps to show intra-Tamil divisions (De Votta, 2009b) to the international community and use them to strengthen state survival and for the dilution of the TNA's demand for post-war state reconstitution. To further strengthen strong unitary state and consolidate power, the ruling UPFA accepted other minority parties such CWC to join as coalition, and finally the Sri Lanka Muslim Congress (SLMC) crossed over from opposition leading to the 2/3rd majority it needed to pass the amendment, backing the 18th Amendment (Marcelline & Uyangoda, 2013).

Thirdly, radical outfits and hate campaigns were getting promoted within the ruling coalition. It was a prominent voice of dissent the National Freedom Front (NFF), a breakaway faction of the JVP, and its leader Wimal Weerawansa. This faction was encouraging further centralisation of state power on the basis that federalism was only a demand of Tamil politicians and not that of the common Tamil people (*Daily Mirror*, 2009, p. 2). Another constituent member of the government, the Jathika Hela Urumaya (JHU – Sinhalese National Heritage Party), held a similar view. Despite being junior partners of the UPFA coalition with only three MPs between them, both these radical parties were ideologically influential in shaping the UPFA's policies on the ethnic conflict and war. The JVP on the other hand, while promoting the argument for post-conflict economic development and reconciliation, called on the government to block all attempts to devolve power based on the 13th Amendment (*Daily Mirror*, 2009, June 1, pp. 1 & 6, as cited in Marcelline & Uyangoda, 2013). In the meantime, researchers and observers attest to the mechanisation of the state behind the radical elements in the country during the last phase of the previous regime. The Bodu Bala Sena (BBS) and Sinhala Ravaya were encouraged to promote hate campaigns against the minority and state reconstitution project to find a resolution to the ethnic conflict.

Thus, the state and its potential leader implemented these survival strategies to penetrate society and regulate social relationships for the continuation of a strong unitary state and soft authoritarianism in post-war Sri Lanka, making the state reconstitution demand of the minorities meaningless.

Migdal (1998 & 2001a) suggests another strategy of the strong state is to extract resources and use those resources appropriately. This theory of Migdal's state-in-society approach can be applied to the post-war strong state's recovery, reconstruction and development activities under peacebuilding process. During the civil war, the land was

demarcated under CFA. The Sri Lankan state controlled their area while the LTTE-controlled its area. Accordingly, with the defeat of the LTTE, the state recaptured land, sea and other resources and dominated entire areas of the island on its path to strengthen the strong state of Sri Lanka. Jayawardena (2009) demonstrates how the state developed misconceptions among the majority Sinhalese and mobilised them against minorities' demand for the reconstitution of the unitary state (self-determination):

In an article published in the *Sunday Times FT* on September 25, 2004, under the title "ISGA Eyes Lion's Share" I effectively pointed out that the LTTE was trying to take control of a major portion of Sri Lanka's marine, maritime offshore and natural resources. It is a great blessing that the ISGA (Interim Self Governing Authority) was not implemented by the then Government and if so the rest of the country would have been subservient to an independent state of Tamil Eelam. Now that the LTTE menace is over we must look at the development of natural resources in the eight districts – Amparai, Batticaloa, Jaffna, Kilinochchi, Mannar, Mullaitivu, Trincomalee and Vavuniya. These districts are about 18,323 sq. km or about 30 % of the total land area of 65 000 sq km of Sri Lanka. The population of these districts according to the last Census carried out in 1995 is 2.6 million which is about 10% of the total population of Sri Lanka estimated at 19 –20 million. Therefore those who advocate traditional homelands for one community should realise that 10 % of the population in the country occupies nearly 30 % of the land area and the rest of the 90 % occupy the balance 70 % and no one can dispute this highly inequitable distribution.

The state incorporated all the resources from north and east into national Gross Domestic Product (GDP) and gained revenue which during the LTTE period did not fully contribute to the national economy. These include paddy cultivation, vegetables, and fruits including grapes, seafood, forestry, water resources etc., and mineral resources with

the major resource being the heavy mineral sands at Pulmoddai. This deposit contains about 80% of black sands that has ilmenite, (Fe TiO2) rutile (TiO2) zircon (ZrO2) and monazite (thorium mineral) and also sillimanite, heavy sands, and dune sands.

Sea resources include deep-sea fishing and Miocene limestone where there are large cavities etc. Fisheries is a major resource which contributed only 1.1% as a share of GDP in 2008. The mean width of the coastal waters bordering these districts is about 25 km and has a total length of 1,180 km. The continental shelf of the area is 29,500 sq km and also has 900,000 sq km of the extended seabed. There are also shallow fish banks with a high density of valuable fish and prawns namely Gulf of Mannar, Pedro Bank and Palk Bay. The maritime boundary is more promising for oil and gas than Mannar. The forests are also a valuable resource, and the total forest cover is over 806,765 Ha, out of a total 2,046,772 Ha for Sri Lanka (40%). An integrated forestry management plan should be formulated for the area with sustainable logging and re-plantation (Jayawardena, 2009).

"The LTTE maintained financial administration in their controlled areas and established the Tamil Eelam Bank with several branches. Civilians deposited a lot of money and pawned jewellery at the so-called banks during the civil war. At the end of the war, SLSF captured huge amounts of money and incalculable kilos of jewellery in the north" (personal communication, December 3, 2015). These activities of the state can be described as extraction of resources from the LTTE and Tamil people. It can be argued here that the extracted money and jewellery belongs to the Tamil people. It was expected that the state would return these belongings of the innocent people in the aftermath of the war. However, in reality, only some people were identified by the army and had their jewellery distributed to them after five years since the termination of the war. Some 1,960 identified owners from Mannar, Vavuniya, Mullaithivu and Kilinochchi received their belongings, according to presidential officials (Firstpost, 2014). There is a crucial

question placed before the state as to 'what happened to the balance jewellery?' Is it difficult to find sources about the accountability of people's money and what happened to it.

5.5.2 Attempt to Accommodation

The Tamil minority and international community expected that the state must introduce inclusive policy mechanisms as a solution to the conflict. It should have taken measures to avoid another major contestation through the lessons learned from the civil war. Attempts were carried out to introduce inclusive policies to find a resolution to state reconstitution. These efforts failed to deliver sustainable peace. This section examines the attempts made for state reconstitution in post-civil war Sri Lanka, which should have contributed to finding a resolution to the ethnic conflict and sustainable economic development. Its study also explores problems pertaining to the contemporary policy attempts which will be discussed in this section.

(a) The home-grown solution

The idea of a home-grown solution was put forward to reiterate the position of finding a resolution internally without any international intervention or pressure. This point was further hammered home in the Former Minister of External Affairs, G.L. Peiris's address in Washington that "post-conflict Sri Lanka will achieve reconciliation only through a home-grown solution" (ColomboPage, 2012, May 16). This lesson was learned from the previous experiences of Indian intervention via an Indo-Lanka accord and 13th Amendment to the constitution and the roles played by Norway in the peace negotiations and ceasefire agreements between the Sri Lankan government and the LTTE in 2002. It

indicates the major shift in the stance of Sri Lankan politics. An academic explains this as:

The concept of the home-grown solution arose "to safeguard Sinhala Buddhist hegemony in the island that some representatives of majority community were afraid of external mediation which they felt, would divide the state in favour of Tamil demands for a separate homeland" (personal communication, March 15, 2016).

The focal point of the home-grown solution in the post-war scenario of the country was the deliberation as to the full implementation or partial implementation or whether to repeal the 13th Amendment. India's support was minimal during the last phase of the war, India was silent in the aftermath of the war and the Sri Lankan's foreign policy also leaned mostly towards China. The UPFA government tried to take advantage of this situation and attempted to follow its methods in the matter of national question. This move was immensely criticised by the local and international observers and academics.

In relation to the state-in-society approach, the strong state would always be aware of its survival strategies. In the Sri Lankan context, the majoritarian state and the rest of its supporters continued to sustain the strong unitary state model which was regained in the post-war period. This was clearly a set of proposals for minimalist devolution that can best be described as "Thirteenth Amendment Minus" and even "retrogressive" (Eddrisinha, 2007, as cited in Marcelline & Uyangoda, 2013). Indeed, the target of the state was district-based devolution and empowering local government institutions via a home-grown solution which will weaken previously devolved power to the provinces.

(b) *Local level power sharing*

There is an increased likelihood of Sinhala elites accepting it as a viable alternative given the fact that the devolution of this nature which centres on local level power-sharing is least challenging. Various political groups which include JHU, MEP and potentially NFF may consider it a viable option and give their consent taking into their account the limited challenges posed, unlike the province-based power-sharing which was met with their opposition. Sri Lanka is said to have had a village administration system called Gam Sabha / Jana Sabha, which is in line with the Panchayati Raj System in India, which was advocated by Mahathma Gandhi as a centralised form of government in which a village would be responsible for its own affairs.

Prof. Malani Endagama says that this Gam Sabha system was in practice in ancient Sri Lanka noting that there is inscriptional evidence showing that this system existed even during the period of King Pandukabhaya of the Fourth Century BCE. According to Prof. Malani Endagama, this system is related to the decentralisation of power. In the decentralisation of power, the central government delegates whatever power it wants to local units. This rural self-government system is linked to the system of 'Direct Democracy' in ancient Greece also.

The APRC (All Party Representatives Committee) proposal handed over to the President Mahinda Rajapaksa by its Chairman Tissa Vitharana recommended a system of the grassroots level local council. Minister Thissa Vitharana, Chairman of APRC, stated that the parties had positive opinions regarding the issue of local power-sharing and this leads to a conclusion that the UPFA Government is supposedly committed to the level of reform. The Mahinda Chintana Idiril Dakma 2010 (Mahinda Thought- Future Vision), promoted the establishment of Jana Sabah (Local People's Councils) in every Grama Niladari (Village/ Rural Head Division) in addition to the establishment of Gam Sabha

(Village Council) as a second level to which Village from Jana Sabah can appoint representatives. According to Mahinda Chintana Idiril Dakma 2010 52:53, there is a possibility for the demarcation of Predeshiya Sabah – Divisional Council and Urban Council boundaries based on the population, society culture and environment. Jana Sabah can be perceived as an institution that will consist of elected representatives (from existing local bodies such as Predeshiya Sabah), the general public and public officers.

The efforts to create grassroots administrative reforms in the context of Sri Lanka's post-civil war witnessed a proposed local government system in 2010. The Local Authorities Election Amendment Bill 2010 proposed changes to the laws pertaining to the election of local authorities that include Municipal Council, Urban Council and Predeshiya Sabahs. According to the Bill, there should be a mixed system of election consisting of First Past the Post (FPP) or single member constituency, a system in practice in Sri Lanka prior to 1977 and Proportional Representation (PR). The re-introduction of the Ward system proposed that the local authority is divided into several electoral units. As suggested by Fonseka, Jayawardana and Hakeem (2010), the number elected under the PR system is not fixed, but a maximum of 30% would be appointed based on the PR system. Sections of the ethnic minority and minor parties are of the view that the proposed reforms are stepped leading to strengthening two-party system given the fact that great emphasis is placed on the FPP and the introduction of the cut-off point for candidates. Although there is a certain measure of agreement between the government and the opposition UNP on the content of reforms, the ethnic minority are apprehensive. The Bill failed to meet with the acceptance of the TNA, JVP and DPF, all of whom expressed their negative opinions pertaining to the delimitation process being initiated by the National Delimitation Committee appointed by the Cabinet Minister responsible for this matter. SLMC's support for the Bill was contingent upon the process of delimitation having to be under the purview of a political person such as district secretaries, divisional

secretaries / Grama Niladari who are non-political public servants (Fernando & Santhush, 2010a). As far as minority and ethnic minority parties are concerned, their major concern over the proposed reform is whether they include an effort to shrink the ethnic/social bases of local government bodies through a reformed electoral process.

Parties representing the Upcountry Tamil Community consider the devolution at the grassroots a significant step of the political project although they envisage a method for the process which is different from the Jana Sabah system outlined above. Upcountry People's Front (UPF) and CWC, for example, are in support of having a fresh look at the de-limitation of administrative boundaries at the Divisional Secretariat and Grama Niladari level and for them, this should be in areas predominantly dominated by Upcountry Tamil People. They hold this view based on the argument that the Upcountry Tamil Community People are underrepresented in some areas in the administrative service and denied the access to public services and state facilities like education in their language despite having high number members belonging to the community living in those areas.

(c) *Government-TNA talks: A stalemate situation*

One of the negative aspects of the Sri Lankan Politics in 2011 is the abortive political solution finding approaches adopted by the government. The talks that commenced between the government and TNA, one year after the president Mahinda Rajapaksa was re-elected for the second term in office, were comparatively futile. Although the TNA was able to win a majority of parliamentary seats in the North and East in 2010 and proved themselves to be the credible representatives of Tamils, President Rajapaksa showed no interest in initiating a dialogue with the TNA throughout the year 2010. Nevertheless, there was huge international pressure being exerted on the government for a political

solution in dialogue with the TNA. Against this backdrop, President Rajapaksa invited the TNA for talks which began in January 2011. The meetings which are reported to have taken place 14 times between both parties in 2011 produced no tangible outcome. The TNA, who submitted two sets of political solutions to the government in February and March, received no response from the government despite the fact that there were seven meetings between both sides between January and August 2011 (Daily Mirror, 2012, March 9). It was happened that the TNA insisted on (a) police and land power devolution to provincial councils with the full implementation of the existing thirteenth amendment, (b) empowering provincial councils by transferring the list of concurrent powers to the provincial list of powers and (c) the re-merging of northern and eastern provinces constituting a single unit of devolution. The government's failure to respond to the proposal of the TNA can be construed as the rejection of the contents of the proposal. According to media reports, President Rajapaksa had expressed his unwillingness and that of constituent partners in UPFA to transfer powers over police and land to the provincial councils. As speculated, based on political analyses, President Rajapaksa had a favourable sentiment towards the changing of 13th Amendment with an intention to remove police and land powers away from the provincial councils' list of powers. A proposal of this nature targeting the power castration of provincial councils might have resulted in the regression from the existing power-sharing framework integrated into the constitution.

The abortive outcomes of Government-TNA meetings can be attributed to this atmosphere of uncertainty. In 2011, the TNA requested the government for a written response to their proposals of February 2011 as an initial measure for the further continuance of the bilateral talks. The meeting that had taken place in August 2011 was a showcase of confronting ideas among both sides with regard to their respective approaches to talks, and the result was that the differences sharpened. It is reported that

the TNA leader expressed his disappointment over the measure of seriousness the government was taking with regard to the talks while blaming the government stating that the talks were being used as a camouflage to create an impression locally and internationally that they were in a serious process of reconciliation whereas the real situation was contrary to this image.

One main proposition related to the discussion above is that the absence of the LTTE in the war front has obviated the factors that lent urgency to finding a solution to end the ethnic conflict and this culminated in the nature of the relations between the government and the ethnic minorities being altered. In May 2009, the key element of the ethnic conflict in Sri Lanka were not the relationship between the state and the LTTE, but the relationship between the state and ethnic minorities.

It appeared that the Sri Lankan government was no longer prepared to wake up to the urgency of a political solution, negotiated settlement and regional autonomy which were a priority only because of the military capacity of the LTTE and the resultant threat to the Sri Lankan state. With the military defeat of the LTTE, the threat posed to the state has been removed and the armed struggle of the LTTE which catapulted them into stardom as architects defining and shaping the relations between the state and ethnic minorities positively also disappeared. Therefore, the parameters and conditions of the conflict have been tailor-made in favour of the state. In this context of altered political conditions of ethnic relations, the necessity and urgency for negotiations and a political solution were hardly felt as it was before.

The UPFA government was evidently indifferent towards this with no practical approach being taken. This apathy risks the re-emergence of violence if the situation continues.

The government of Sri Lanka insisted on discussing constitutional reforms for power-sharing and devolution of power to take place through a parliamentary select committee (PSC) (ICG, 2013, p. 21). It is necessary to highlight at this point that in line with Migdal's state-in-society approach, gradually the TNA caught up as the alternative Tamil social force in the post-LTTE period.

After the release of the interim report of the LLRC, the state was pushed to find a way forward to implement its recommendations. It is in this background, President Rajapaksa and R. Sambanthan, the TNA leader, met in person on September 2, 2011 and President suggested his ideas on the political solution. President Rajapaksa proposed at this meeting an idea of setting up a parliamentary select committee (PSC) where the final decision on the political solution would be taken. Soon the proposal for a PSC led to further disagreements between Rajapaksa and Sambanthan, when the latter suggested that a bilateral consensus between the government and the TNA should be presented to the PSC. While the government wanted to proceed with the PSC even before arriving at a consensus with the TNA on a political solution, the TNA emphasised that without such a consensus, the entire PSC process could be another futile exercise as it has been the case with many such committees and commissions in the past. The TNA's refusal to send its nominees to the PSC quickly developed into a major political row, even threatening the continuation of the bilateral talks.

After several months of suspension in talks, the two sides agreed to meet on January 17, 18 and 19, 2012. However, the government did not send its delegation to the meeting, indicating that the dialogue had reached a serious impasse. It became clear in the controversy that the two sides had somewhat exclusivist ideas in the PSC proposal implementation. The government stressed that a political solution to the majority-

minority conflict in Sri Lanka should be found by way of "an inclusive process with the participation of all political parties, not just the TNA" (Sunday Leader, 2012, January 17, as cited in Marcelline & Uyangoda, 2013, pp. 320-321). The TNA, on the other hand, held the view that a consensus between the two sides was the necessary precondition for a successful outcome of the PSC process and that the government should give priority to a prior understanding with the TNA, the elected representatives of the Tamil people, before summoning the PSC. Thus, the Government-TNA dialogue remained stalled, despite international pressure on both sides to resume the dialogue and work together for reconciliation and political settlement.

The National Plan of Action (NPA) released by the government in July 2012 to implement the LLRC recommendations emphasised a reference to the matter of consensus of devolution to PSC. Nevertheless, findings suggested a deadlock in early 2012 when the government also refused to send its delegation to the meeting. This situation discloses that it was merely a tactic for the government to avoid taking any position of its own and to prevent any expanded devolution. In this situation, South Africa attempted to support the reconciliation process in Sri Lanka which is discussed in the following section.

(e)   South African initiatives

The South African government participated in the first third-party initiative as a facilitator in post-war Sri Lanka. It was anticipated with optimism that the state reconstitution attempt would resolve the ethnic grievances of minorities. President Rajapaksa had asked South African President, Jacob Zuma, to use his country as a third-party mediator when he visited Sri Lanka for CHOGM in 2013 (MOFA, 2014). The continuous dialogue in this matter by the former External Affairs Minister G.L. Peris with

his counterpart Maite Nkoana-Mashabane, South African Minister of International Affairs and Cooperation, resulted in the involvement of South Africa as a mediator.

Based on this, Nimal Siripala de Silva, Leader of the House and Minister of Irrigation and Water Resources Management, led a delegation to South Africa from 20th to 21st February 2014 for discussions. The visit aimed to understand the South African Truth and Reconciliation Commission and learn how the South African experience could help Sri Lanka's reconciliation process, following the defeat of the insurgency.

Following the visit of Sinhala elites to South Africa, a Tamil delegation from the TNA, led by R. Sampanthan, with fellow parliamentarians M.A. Sumanthiran, Selvam Adaikalanathan and Suresh Premachandran, paid a visit as well (*Tamil Guardian*, 2014). Landing in South Africa on 9th of April 2014, they were honoured and received by Geoff Doidhe, the South African High Commissioner for Sri Lanka. During their three day visit to South Africa to learn about post-conflict reconciliation, they met with Maite Nkoana-Mashabane, South Africa's Minister of Department of International Relations and Cooperation (DIRCO) and the Deputy Minister Ebrahim. The delegation also interacted with officials of DIRCO and shared their experiences on the truth and reconciliation process (*Tamil Guardian*, 2014).

South African President Zuma, in his speech in parliament in February 2014, stated that according to the appeal of the Sri Lankan government, he was assigning Cyril Ramaphosa as a special representative to accompany him to Sri Lanka. In June 2014, the special representative arrived in Sri Lanka, making his commitment clear with regards to the peace-building role. South Africa's role in Sri Lanka was explained to all levels of the ruling party at the African National Congress's (ANC) annual convention in April 2014 (Perera, 2014). In his first public comments on his role, the Deputy President of the ruling ANC, Ramaphosa said: "We are truly honoured to be chosen among many countries to

go and make this type of contribution to the people of Sri Lanka. We have a wonderful story to tell, and it is this wonderful story that the Sri Lankans see." He also said: "As South Africans, we do not impose any solution on anyone around the world. All we ever do is to share our own experience and tell them how, through negotiation, through compromise, through giving and taking, we were able to defeat the monster of Apartheid." He added: "We think we can share those experiences, and of course, in the end, it is up to the people of Sri Lanka to find their own peace" (Perera, 2014).

The peace and reconciliation initiatives of South Africa could be classified as a third-party contribution in Sri Lanka. Previously, India and Norway took part as mediators and promulgated ceasefires between the GOSL and the LTTE to promote reconciliation and peace in the country. As a result of the defeat of the LTTE, a ceasefire was no longer necessary. Nevertheless, the South African attempt was a hopeful initiative to bring reconciliation (*The Sunday Times*, 2014).

Ramaphosa and his team met the President, prominent representatives of the government and Wickramasinghe, the Opposition Leader. Notably, other important discussions were held with the TNA, with leaders such as R. Sampanthan and Chief Minister, Justice C.V. Vigneswaran. During his trip to Jaffna to meet with the Chief Minister, Ramaphosa also held talks with the Northern Province Governor, Maj. Gen. (rtd) G.A. Chandrasiri and Security Forces Commander Udaya Perera (Bastians, 2014). South African initiatives were an acceptable move to the post-war reconciliation process and it was expected that this might provide a true sharing between both nations. Nonetheless, the process had been criticised by some of the majority leaders and radical movements. The South African delegation's meeting with Northern Province Chief Minister, Wikneswaran brought forth a host of ethnic-centred criticisms, even five years after the end of the war.

5.6   State and Minority Re-Contestations

This section examines the minority contestations in the post-civil war state by examining policies of exclusion and counter political activities of the remaining social forces of the Tamil minority. It explores how the strong unitary state consolidated its power through policies of discrimination.

5.6.1   Image and Actual Practices of the State: Policies of Discriminations and exclusion

It was expected that the post-war situation would provide the opportunity to find a resolution to the ethnic conflict by way of devolution of power to the periphery and include minorities into the state system. Anyhow, post-war initiatives of inclusive mechanisms failed as usual. Thus, the state introduced exclusive policies and consolidated its power. However, Rajapaksa and his government pursued amendments to the constitution such as the 18th Amendment, Devi Neguma, and adopted impeachment against the former chief justice of the state. These centralisation activities of state power and misuse of power are examined below.

5.6.1.1 The 18th amendment and its impact of on the state reform debate

The constitutional reconstitution measure embodied in the 18th Amendment of the 1978 Constitution came in the wake of the presidential and parliamentary elections which ensured a second term for the UPFA coalition regime led by President Rajapaksa. The enactment of the 18th Amendment constituted a crucial moment in Sri Lanka's post-civil war state reconstitution process in the direction of further centralisation of state power in the office of the President and in the hands of the person who holds that office. A key feature of the 18th Amendment was the repeal of the 17th Amendment which had

provided for a constitutional mechanism, a Constitutional Council, to check some powers of the Executive President, such as the power to make key public service appointments. The 18th Amendment also revised the powers of several important public service bodies such as the Public Service Commission, the National Police Commission and the Elections Commission to institutionalise more powers in the Executive.

As Saravanamuttu notes, the "18th Amendment must be seen as yet another decisive step in the centralisation of power in the executive – the recurring theme of our country's constitutional evolution" (Saravanamuttu, 2010, p. 13). Yet, it is also significant to note that further entrenching of the Executive President in the structures of state power had the support of some leaders of ethnic minority communities as well. The EPDP, TMVP and the CWC, already members of the ruling UPFA and the SLMC, which crossed over from the opposition to provide the government the two-thirds majority it needed to pass the Amendment, backed the 18th Amendment. There were doubts about the government's commitment to both devolution and democratic governance.

The idea of a constitutional amendment to remove the presidential term limit to two did not feature during the presidential or parliamentary election campaigns, although there were occasional references to it in the media. Nor was there space for a public debate on this important constitutional amendment when the government was further curtailed by the fact that it was referred to the Supreme Court as 'urgent in the national interest' (Saravanamuttu, 2010, p. 14). When policy matters are referred to the Supreme Court as urgent, even the Court gets a very limited time frame, just two weeks, to hear petitions and decide the determination. After the Supreme Court determination is conveyed to the Speaker, such 'urgent' legislation is then debated and passed in such a hurry in parliament that there is hardly any public debate possible within an extremely restricted timeframe. Moreover, despite certain provisions in the 18th Amendment negatively impacting on the

devolution of power, specifically regarding the finances of provincial councils and law and order (i.e., police powers), the government bypassed the Provincial Councils in legislating this constitutional amendment (Jayakody, 2010, pp. 52–58).

Despite these faults in both the content and the process, the 18th Amendment also received the support of the 'old left', the Lanka Sama Samaja Party (LSSP), the Communist Party of Sri Lanka (CPSL) and the Democratic Left Front (DLF) which are partners of the ruling UPFA coalition. Meanwhile, ethnic minority parties supported the 18th Amendment for a variety of pragmatic reasons. For example, the SLMC supported the Bill while being in opposition to keep the party unity intact when it appeared that some of its MPs might vote with the government. Immediately following its support for the 18th Amendment, the SLMC joined the UPFA coalition. As the National Organiser of the SLMC put it, "our only option was either to join the government and survive or face elimination through crossovers. We also believe that any party must become stakeholders of the government if it wanted benefits to trickle down to its voters" (Rajabdeen, 2010).

There is a strong political irony in this support by some ethnic minority elites for legislative measures such as the 18th Amendment. Excessive centralisation of state power, as promised in the 18th Amendment, can only lead to further consolidation of the unitary state. It stands diametrically in opposition to any project of decentralisation of the state and power-sharing in the periphery. As pointed out by the TNA leadership, one of the ethnic Tamil parties to vote against the 18th Amendment, this legislative measure was a culmination of a process of centralisation of power begun in 1972 by the predominantly Sinhala ruling elites. The Tamil political leaders linked to the TNA view such measures as steps to further entrench the unitary structure of the state. Moreover, the TNA interprets these measures as going counter to the democratic verdicts given by the Tamil electorate

that has demonstrated a tendency to vote for parties espousing an agenda of power sharing since the 1950s. This legislation brings opportunity for soft authoritarianism, a family dynasty, and continuously exclude minorities.

5.6.1.2 Divi Neguma and impeachment of the chief justice

Migdal (1998) specifies that one of the features of the strong state is to 'use resources appropriately' to maintain its domination and centralisation of state power. Further, as stated by De Votta, "all parties in power seek to weaken their respective opponents but those that are part of soft authoritarian regimes resort to unethical, extrajudicial, and unconstitutional methods to do so" (2010). The above argument of both scholars applies to the Rajapaksa regime in Sri Lanka. The Divi Neguma bill and impeachment against former Chief Justice had promoted a strong state and soft authoritarianism.

Several observers noted that the Chief Justice was unduly close to the executive in the past, and a number of the rulings to which she has contributed had helped facilitate the centralisation of power that had taken place in Sri Lanka in recent years. The International Bar Association's (IBA) report notes in particular that she chaired a Supreme Court panel on August 2010 which upheld the constitutionality of the 18th Amendment (International Bar Association's Human Rights Institute [IBAHRI], 2013).

IBAHRI (2013, p. 20) summarised the Bill and impeachment as follows:

Despite this record, it was a concern to protect rights devolved to the provinces by the Constitution that first brought Chief Justice Bandaranayake into conflict with the Government. The clash began to build up after a decision of December 2011, made by a Supreme Court panel that Bandaranayake chaired, which ruled that a piece of draft legislation known as the Town and Country (Amendment) Bill could become law only

after Sri Lanka's nine Provincial Councils had been consulted about its provisions. President Rajapaksa's government abandoned the measure as a consequence, but the same issue then re-emerged in August 2012, when the UPFA introduced the so-called Divineguma Bill. This aimed to extend central control over Sri Lanka's provinces in a number of ways and to expand the regulatory powers entrusted to Basil Rajapaksa, the Minister of Economic Development and a younger brother of the President. Members of the IBAHRI delegation were told that the Bill would also have the effect of authorising the transfer of 480bn rupees (roughly £2.5bn) into an executive-controlled fund exempt from ordinary parliamentary oversight and that secrecy about some of its key features was to be enforced by fines and prison terms.

When we delve deeper into the Divi Neguma bill, "it raises crucial argument that the provincial councils set up under the 13th Amendment to the constitution, which devolved power to the provinces, would have been an attempt for resolution to the protracted ethnic conflict in Sri Lanka and was relatively accepted by all parties" (personal communication, April 4, 2016). However, the new bill partly diluted the devolved financial power to the provincial council system, raising questions about the future expectation of state reconstitution attempts to find a resolution to the minority rights.

A number of interested parties challenged the draft statute's constitutionality for these and other reasons. Hearings in the case began on 27 August 2012, and a Supreme Court panel chaired by Chief Justice Bandaranayake ruled in mid-September that the government was required to submit the Divineguma Bill to Sri Lanka's nine Provincial Councils 'for the expression of [their] views thereon' under Article 154 of the Constitution. It could not be enacted until this took place. This judgement was presented to Parliament on 18 September 2012 (IBAHRI, 2013).

On 23 November 2012, impeachment proceedings on charges of professional and financial misconduct and abuse of power began against Chief Justice, Shirani Bandaranayake. Lawyers and Sri Lankan civil society suspected that the proceedings were connected to Bandaranayake's opposition to the Divinaguma Bill. The Supreme Court decreed that Parliament cannot hold such an inquiry against a judge without passing a specific law to that effect. Further questions regarding the proceedings arose when it was reported that when asked by a former Chief Justice why he was moving to impeach Bandaranayake the President responded: "I did not want to, but she got too big for her boots".

Bandaranayake was found guilty on three of the five charges and was impeached by Parliament on 11 January 2013. The Court of Appeal declared the impeachment unconstitutional. Despite significant opposition, the President's senior adviser, Mohan Peiris was appointed and sworn-in as the new Chief Justice. The impeachment and subsequent appointment of the Chief Justice had drawn criticism from the US, UK and the Commonwealth, among others, and condemnation from the International Commission of Jurists, and public declarations from the Bar Association of Sri Lanka and the Lawyers Collective that they refused to recognise the legal standing of the new Chief Justice (Human Rights Council [HRC], 2013, p. 4). Interestingly, "the impeachment was brought against the Chief Justice due to her judgement in favour of the minority group and the existing law, providing further evidence that state–minority contestations as well as ethnic discrimination persisted after the war too" (personal communication, March 10, 2016).

5.6.2   Reaction of the Minority

The emergence of a strong, autonomous state is by no means a natural outcome of the social transformations associated with the modern era. The empirical question is who

could take advantage of the new circumstances and re-establish social control? In part II of the "Strong societies and weak states: State-Society Relations and State Capabilities in the Third World" (Migdal, 1988), the author outlined two necessary conditions for the success of those about to consolidate social control, in a strong state. One is rapid and universal dislocation, which the researcher discussed in chapter 2. The other, relevant to societies, is direct experience, outside hegemonic rule, and the channelling of resources to indigenous organisations capable of extending social control throughout the society (Migdal, 1988, p. 173). In the post-war context, the Tamil minority and Muslims in Sri Lanka fit both these conditions of Migdal. He further argues that 'social control has mostly been at the level of participation'. They take part in education, health, and other systems of services, but they have not accepted the major myths the state has propounded. Those symbols have mostly been irrelevant to their identities and strategies of survival (Migdal, 1988, p. 173).

The LTTE increased its capability as a strong social force and controlled minorities in their controlled territory and some government-controlled areas of Northern and Eastern Provinces. The defeat of the LTTE led to the promotion of a strong unitary state and the state increased its capacity to fully control the entire territory of the island which offered a golden opportunity for comprehensive social control. Nevertheless, the state was successful in mobilising majority Sinhalese support to participate in the political process of the country while minorities in the north and east continued to support their existing social forces such as the TNA and SLMC. Thus, a strong state should have the ability to mandate social control in the entire country, but empirically the state faces challenges to achieve fullest social control in the minorities' predominant areas of North and East. Minority groups expressed their opposition against the majoritarian state in the presidential and parliamentary election immediately after the war.

Minorities, particularly the Tamil minority, showed that they opposed the state during the elections in the aftermath of civil war. This development had only accelerated since the end of Sri Lanka's longstanding civil war in May 2009. President Rajapaksa won re-election in January 2010 with 57.8% of the vote, and his opponent Fonseka received over 40%, carrying the Northern and Eastern Provinces of Sri Lanka (IBAHRI, 2013). The remaining 20 candidates all garnered less than 0.5% of the popular vote (Lankaelection, 2010). It is notable here that Fonseka won only six electoral districts out of 22 electoral districts in Sri Lanka. Out of the six won by Fonseka, five districts are located in the North (Jaffna and Vanni) and East (Batticaloa, Digamadulla and Trincomalle). Rajapaksa secured 33.85% of the total casted votes in the North and East while Fonseka's massive victory gained 60.73% (Department of Census & Statistics-Sri Lanka, 2010). Hence, it was a clear message delivered by the minorities in North and East that they participated via a democratic process to express their stand against the post-war strong state and its strong man, Rajapaksa.

Table 5.1: Presidential Election Result

District	Province	Rajapaksa	Fonseka
Batticaloa	Eastern	26.27	68.93
Digamadulla	Eastern	47.92	49.94
Jaffna	Northern	24.75	63.84
Trincomalle	Eastern	43.04	54.09
Vanni	Northern	27.31	66.86
Total		**33.858**	**60.732**

Source: Election Commission of Sri Lanka (2010), Sri Lanka
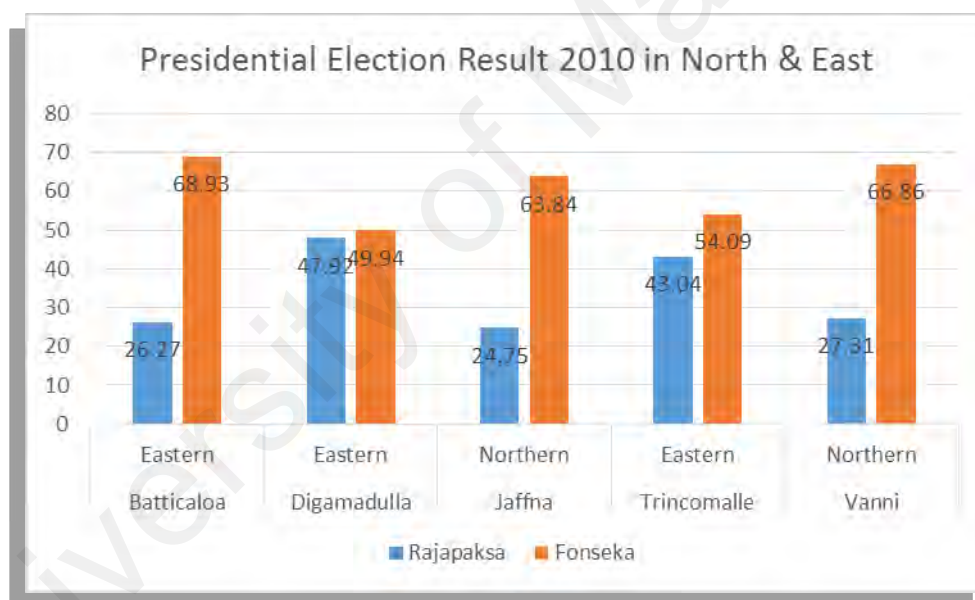
Figure 5.2: Presidential Election Result 2010 in North & East

Source: Election Commission of Sri Lanka (2010), Sri Lanka

Parliamentary elections three months later gave Rajapaksa's UPFA coalition 144 seats in the 225-member parliament. The remainder was shared between the United National Front (60 seats), the Tamil National Alliance (14) and the Democratic National Alliance (7). A steady trickle of defections meant that by late August 2010 the UPFA could claim

the allegiance of more than two-thirds (154) of all the representatives via the support of SLMC (7) – a level of support which potentially entitled it to amend the Constitution (IBAHRI, 2013). The TNA won 14 seats (Marcelline & Uyangoda, 2013), the highest number of seats for a single party from the North and East. Also, these seats were completely voted for by the Tamils in the region. The other minority, the Muslims, supported SLMC in the North and East and won 4 seats and 1 seat in Kandy in the Central province which created an electoral alliance with UNF (UNP leadership). It is another result of the study that social control of the strong state in the post-LTTE era in majority-minority areas remained a challenge as a result of people's participation and support for remaining social forces.

The UPFA administration had a strong popular mandate which was demonstrated at the ballot box in 2011 through local government elections for urban, divisional, and municipal councils, which were conducted in three stages in April, July, and October. The results were as expected and the UPFA won 271 councils (compared to 222 in 2006) and the United National Party (UNP). The UPFA had voter support of around 60% to 65% in Sinhalese dominated areas, and the opposition UNP had only infrequently polled over 40% (Goodhand, 2012, p. 131).

The only setbacks were the UNP victory of the Colombo municipal council elections and TNA's success in winning 20 to 25 seats of the local councils in the north. Hence, the TNA controls 32 local councils which makes it the second largest party in terms of control of local councils, further the TNA won seven local authorities in the east out of 35. The outcome of the polls in the north and east was seen as a referendum on the development-oriented reconciliation efforts with the Tamils. The TNA's status as a primary representative of the Tamils was consolidated, increasing its legitimacy in any future negotiations on sharing power and post-war reconstruction. TNA's victory casts

doubt on the efficacy of the Rajapaksa government in its attempt to gain Tamil support. The TNA's victory calls into question the attempt to gain the Tamils' support through the granting of economic, as opposed to political, concessions (Goodhand, 2012, p. 131). In the meantime, the SLMC, the Muslim minority party, won 8 local authorities in north and east. The UPFA, the leading stakeholder, attempted to achieve landmark victory in the 2011 local council election to acquire social control to maintain strong post-war state. However the victory of the TNA and SLMC in the north and east challenged its domination as remaining social forces.

The second election for the de-merged Eastern Provincial Council was held in 2012. The election in this province was important to demonstrate significant support within a mixed-ethnic province. For the TNA and SLMC (the main Tamil and Muslim parties), the elections were a test of their continued relevance and grassroots mobilisation capacity (Verite Research, 2012). Parties won seats in the election as follows: UPFA 14 (included two bonus seats), the TNA 11, SLMC 7, UNP 4 and NFF 1 (Verite Research, 2012). Finally, UPFA and SLMC coalition formed a council and ruled for more than two years. Then, SLMC broke the coalition and joined with the TNA to form a new national unity coalition government in the province in February 2015 (Thambiah, 2015). It was a notable feature of the 2012 eastern provincial council election result which the TNA and SLMC won 11 and 7 seats respectively, which backs this study's argument that the minority parties proved their social control in the North and East.

Another historical event which took place after the defeat of the LTTE was the "Northern Provincial Council Election held on 21st September 2013. The TNA which contested under the name of the Alliance in the election won a landslide victory by 30 out of 38 seats in the Northern Provincial Polls with a high voter turnout. Sri Lanka held the historic provincial council election, which was the first time after the civil war ended in

2009 and the debut since the provincial council system was established in 1988. The election was a battle between the UPFA, the ruling party, and the TNA, which represented the highest percentage of the Tamil population in Sri Lanka" (Chang, 2014). This important victory of the Tamil alliance demonstrated that after the defeat of the LTTE, Tamil people chose to mobilise their social control under the alternative social force of the TNA.

The strongman Rajapaksa continued as an Executive President for a decade and began to feel invincible and ruled the country via centralisation of state power and family dynasty and was eventually thrown out in the next presidential and parliamentary elections held in 2015. Rajapaksa called for a presidential election two years before the end of his office. He and his followers strongly believed that there could be no other candidate to challenge him. However, unpredictably, his Health Minister and General Secretary of SLFP, Maithripala Sirisena, defected and was announced as the common opposition candidate to contest Rajapaksa. His reasoning for defecting from the Rajapaksa regime was:

"The entire socioeconomic and political systems of this country had been taken over by one family. They ruined this country that is now engulfed in corruption and blatant abuse of power. It is against this that I am coming forward as the common candidate of the opposition" (Senewiratne, 2015).

The presidential candidate of the New Democratic Front, Maithripala Sirisena, was elected as the next President of Sri Lanka with a total of 6,217,162 votes (51.28%) in the

election held on 8th January 2015, while Rajapaksa only gained a total of 5,768,090 votes (47.58%) (*DailyFT*, 2015, March 23).[35]

Another setback to Rajapaksa and his counterparts was the defeat in the parliamentary election declared on 17th August 2015. The former President decided to contest the parliamentary poll with the aim of becoming the Prime Minister (Jayawardena, 2015). During the eight months that followed, President Sirisena and the interim UNP minority government led by Prime Minister Wickramasinghe were hard-pressed through a reformist constitutional amendment but were obstructed at every single direction by former President Rajapaksa and his party faithful.

Free and fair parliamentary elections were conducted on the decided date. Mahinda Rajapaksa unexpectedly lost the election. The second blow to him was because this time parliamentary election favoured Prime Minister Wickramasinghe, the leader of the UNFGG and UNP. Wickramasinghe's centre-right party won 106 of parliament's 225 seats in general elections, while Rajapaksa's United People's Freedom Alliance secured 95 (*Dailymirror,* 2015).[36]

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[35] President Rajapaksa lost the presidential election in January 2015 owing to his unpopularity over the charges of corruption, oppression of the minorities, undemocratic rule, militarisation and centralisation of state power etc. "President Rajapaksa's former Minister Maithripala Sirisena secured a surprise win as the common opposition candidate on the promise of implementing a 100-day programme of constitutional and governance reforms, after which parliamentary elections were to be held" (Welikala, 2015a). During the oath taking ceremony at the independence square on 9 January 2015, the newly-elected president was sworn-in as the sixth Executive President before the Chief Justice. Afterwards, leader of the United National Party (UNP) Ranil Wickramasinghe was also sworn-in as Prime Minister before President Maithripala Sirisena (Adaderana, 2015, January 09). In a historic turn of events the main opposition political party joined the rainbow coalition Government by accepting 11 cabinet ministerial portfolios, five state ministerial portfolios and 10 Deputy Ministerial positions. The new Ministers were sworn-in by President Maithripala Sirisena in the presence of Prime Minister Ranil Wickremesinghe (*DailyFT*, 2015, March 23).

[36] In August 2015, when the 8th General election was held, no party had the majority in the parliamentary election, though, eventually, the national government was formed. Interestingly, TNA, the prominent Tamil party secured the position of opposition party at the parliament.

Mahinda's plans to make a comeback as the Prime Minister failed. Mahinda was accused of building a soft authoritarian and domineering regime and for abusing his power, charges which he denies. Some Sinhalese Buddhists and minorities, mostly Tamils and Muslims, favoured Mr. Wickramasinghe over Mahinda Rajapaksa.

On the other hand, the alternative pro-LTTE social force of the TNA won 16 seats in this election and proved once more that the social group of Tamils would continuously support TNA. With the widespread support of the Tamils, the TNA travelled in the line of self-autonomy within a united Sri Lanka with a continued state reconstitution demand by means of moderate expression. The overwhelming victory of the TNA placed it as the third biggest party in Sri Lanka and also has been sworn-in as an opposition party at the present parliament. The Muslim political parties such as SLMC and ACMC contested in the election as coalition partners of UNFGG and supported to gain a number of seats in the North, East and other regions.

The new government repealed the 18th Amendment to the constitution through the passing of the 19th Amendment which reduced the power of Executive President and period of the office and increased the power of the Prime Minister.[37] The national governments tried to form a new constitution to consider inclusive mechanisms to

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[37] Welikala (2015a) summarises the 19th Amendment as follows: The Nineteenth Amendment has introduced a number of long-overdue reforms. Significantly, the presidential term is reduced from six to five years and the two-term limit is restored, although the incumbent can seek re-election after four years in the first term. Parliament's term is also reduced to five years. Significantly, the President can no longer dissolve Parliament until the expiration of four and a half years of its term, unless it is requested by a resolution of a two-thirds majority. These provisions restrict presidential discretions and strengthen the separation of powers by establishing more or less fixed presidential and parliamentary terms. Presidential immunity from suit has been marginally abridged by extending the Supreme Court's fundamental rights jurisdiction to official acts of the President. Brief of the other provisions of the Amendment is the repeal of the 'urgent bill' procedure; The Amendment restricts the number of Cabinet Ministers to thirty, as well as limits the number of other Ministers, although if the first and second largest parties represented in Parliament come together to form a government, the size of the Cabinet could be enlarged through an Act of Parliament; Freedom of information has been added to the Fundamental Rights Chapter, making it a judicially enforceable right. Incidentally, the 100-day programme also proposed freedom of information legislation to provide the institutional apparatus for the exercise and promotion of the constitutional right to information. Perhaps, the strongest feature of the Nineteenth Amendment is the de-politicisation framework that it established with the Constitutional Council and the independent commissions. This restores and adds to the Seventeenth Amendment framework that was repealed or weakened by the 18th amendment.

accommodate minorities. However, this effort is not moving due to the instability of the government and the opinion of the majority.

5.7 Summary

This chapter has analysed the recent political developments with key lessons for the state, Tamil minority and international community derived from the civil war. It mainly explored that state has learned the lessons on how to succeed the counter-insurgency when a militant social force attempts to challenge a sovereignty of the state and form a separate state. At the same time, mainstream political force of the post-LTTE, Tamil National Alliance learned lesson that consequences of the war transformed them to traditional Tamil's demand of self-determination and compromise politics with the majoritarian state, and contest with the state via democratic process. But, some other group of the social forces with the backup of Tamil diaspora is contesting with the state for the inclusive approach or betterment of the Tamil minority. International Community learned that their mechanism failed to safeguard civilians at the final stage of the war. But, International Community has not taken any meaningful attempt to find a resolution to the conflict through lessons learned through the civil war. Then it dealt with the recent debate of state-minority mutual transformation process in Sri Lanka. It concentrated on how the state transformed as stronger and society became weaker as a result of the defeat of the militant social force of the minority. The UPFA government's attempts at state reconstitution have been examined by applying the state-in-society approach. This chapter also analysed the turmoil over the post-war state policies of exclusion. Thus, this chapter leads to the important conclusion that state has learned a lesson that providing any greater devolution or allowing to strength Tamil minority would harm the sovereignty of the unitary state, thus state centralized and consolidated state power in post-war Sri

Lanka. The next chapter analyses why state has reluctance to introduce inclusive policies, even in the aftermath of the war.

CHAPTER 6: STATE RELUCTANCE TO INTRODUCE MORE INCLUSIVE POLICIES

6.1 Introduction

This chapter reviews the reasons why the state has not responded with inclusive policies to prevent another major conflict. It examines the image and actual practices of the state of Sri Lanka which avoid inclusive policies to accommodate the Tamil minority into the state system, even after the end of the civil war and defeat of the secessionist militant social force. The section examines the three important aspects of the key categories such as state, society and the international community which are the themes of the present analysis.
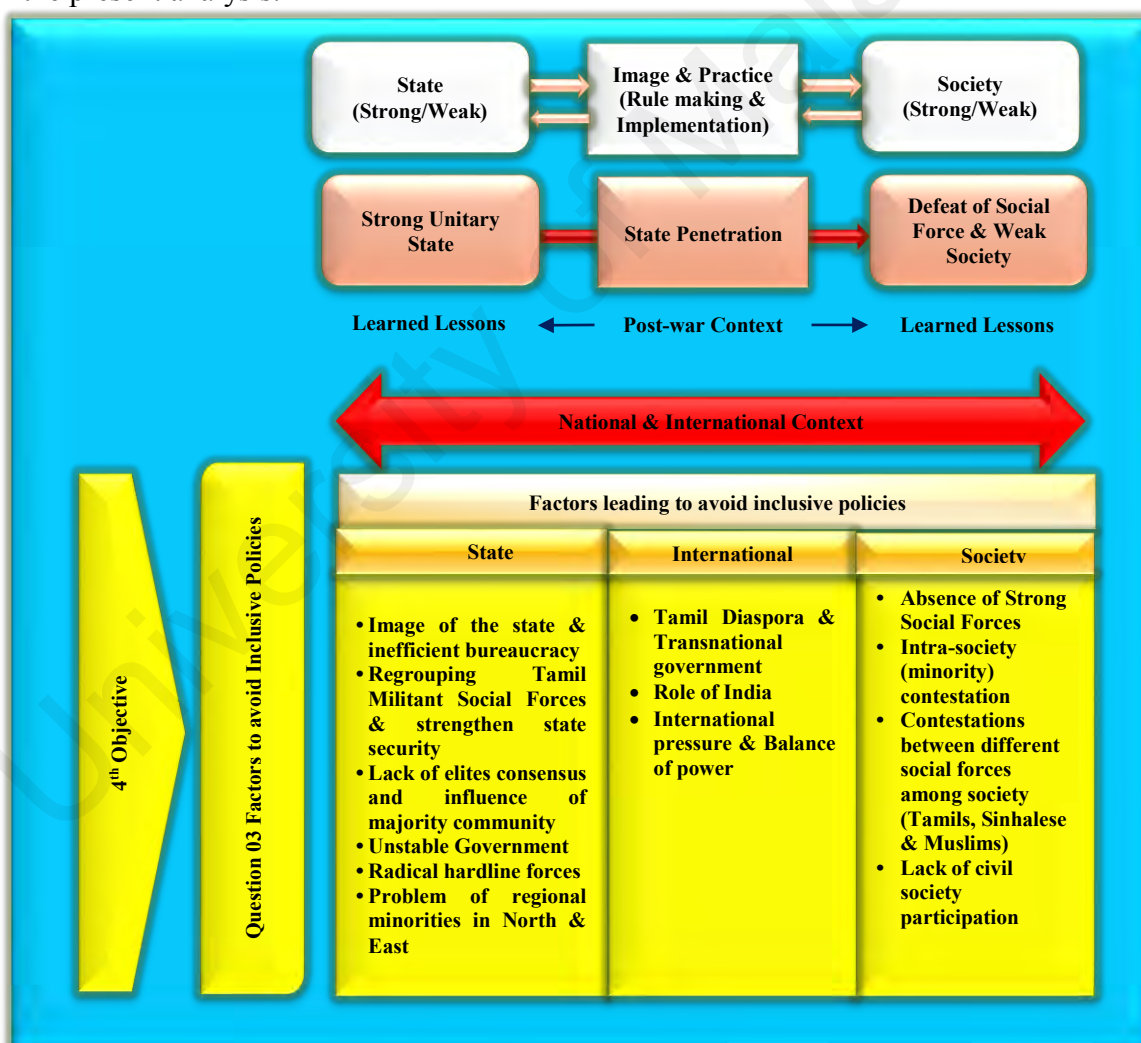

Figure 6.1: Factors Leading to Avoid Inclusive Policies

(Source: Designed by the Researcher)

6.2   Factors of State

This chapter explores the factors for the avoidance of inclusive policies such as image of the state and inefficient bureaucracy; regrouping Tamil militant social forces and strengthening state security; lack of elites consensus, electoral purpose and influence of majority community; unstable government; radical hardline forces; and problem of regional minorities in the North and East.

6.2.1   Image of the State and Inefficient Bureaucracy

The image of the post-civil war state had been strengthened with the military victory and support of the majority ethnic group. Immediately after the defeat of the minority militant social force, Rajapaksa called for the presidential and parliamentary elections. The majority Sinhalese believed that the Rajapaksa government defended the Buddhist state. Hence, in both elections, the Sinhala majority voted for Rajapaksa's second term as Executive President and confirmed his two-thirds majority in parliament in 2010. This situation strengthened the controlling capacity of the state which promoted the majoritarian state to introduce policies of exclusion once again. Another important component of the state is the bureaucratic system or permanent administration of the state which has not managed to avoid policies of exclusion.

With the mandate of the people, the state consolidated state power and marginalised minorities. Those policies strengthened the nature of the unitary state and discriminated minorities, and reduce the power that was decentralised by the 13th Amendement to the constitution.

Bureaucracy has a crucial role to play in policy formulation and implementation in any state. It includes permanent administrators of the state, and their responsibility is to identify more needed issues in society and prepare a draft of the policy document or

legislation, which meet the expectations of society, to get the approval of the cabinet or parliament. Draft policy documents by bureaucrats are directed by the relevant Minister to the cabinet or parliament. In the case of Sri Lanka, "permanent/actual administrators or bureaucrats have been politicised and are following politicians' orders. Further, politicians or ruling elites influence the bureaucrats when they prepare policy documents and during the implementation process of enacted policies" (personal communication, April 7, 2017). They insist bureaucrats follow favour of the majority community and see to their political benefit. Ethnic composition and favours are considered in the recruitment and promotion of bureaucrats and ethicised bureaucrats are favoured by the majoritarian state.

Ruling elites of the Sri Lanka experienced with the ruthless political culture in the post independent era which instrument to avoid inclusive policies. Such an unhealthy political culture was deeply rooted in the state machinery (bureaucrats). Hence, state institutions or bureaucrats cannot formulate or enforce inclusive policies. In this regard, the continuation of discriminatory political or public institutions led to the neglect of inclusive policies.

6.2.2 Regrouping Tamil Militant Social Forces and Strengthen State Security

The next factor involves speculations on the possibilities of regrouping of militants or guerrillas. There is an argument that the devolution of power away from minorities fosters sentiments of a separate state which is the ultimate goal of a large portion of the Tamil minority or Tamil militants. The government or state institutions did not include policy interests of different sections of this community, including other minorities, to pursue their own vested interests.

For this purpose, even in the aftermath of the defeat of the LTTE, the government continuously increased its defence expenditure while the international community urged it to reduce military its presence in former war-torn areas and decrease defence expenditure. Despite that, the government allocated US$2057 million in 2015 and US$1986 million in 2016 (Knoema: World Data Atlas, 2016), which is a huge increment in defence expenditure. Simultaneously, expenditure on health and education declined over the last three decades (Selvanathan & Selvanathan, 2014). Through these expenditures, the government attempted to extend its security forces and equipment to avoid regrouping and face any security threat to the territorial integrity of the state. Moreover, the state has been reluctant to introduce inclusive policies to accommodate minorities into the state system.

6.2.3   Lack of Elites Consensus, Electoral Purpose and Influence of Majority Community

Several factors led to the avoidance of inclusive policies and state reform to respond to the demands of minority groups in the post-war setting of the nation. First is strengthening or re-establishing the dominance of the ruling class. The successive governments were encouraged to envisage the demands of the majority people, Sinhalese, who claimed that the sons of the soil were vanishing by means of growing widespread propaganda of the Tamils as well as the influence of outside factors or forces who were manipulated by Tamil diaspora-funded lobbies in several countries.

The Sri Lankan parliament is responsible for passing policies with a two-thirds majority which must also be approved by the people at a national referendum. These two processes are challenging in the new inclusive policy/constitution-making process based on the experience of peace negotiations in the post-independent era. The political elites

of Sri Lanka have been fragmented by political parties, ideologies, ethnicity, religion, and radical and moderate groups. Leaders of Sri Lanka have failed to bring all 'political elites' into a common consensus on the national issue of post-war state reconstitution. It is reflected in the present parliament. If the new policy/constitutional draft includes greater devolution to the minority-dominated North and East, this would lead to much turbulence among political elites.

Previous studies indicate that all past attempts at peace failed due to the lack of elite consensus and popular protests.[38] When we look at previous experiences in negotiation attempts to institute power decentralisation and devolution, they have been unsuccessful. "The defeat of the LTTE has generated the opportunity to form a strong state, but the contemporary national government is unstable and hence not in a position to adopt the new policy in the parliament. The government does not possess the two-thirds majority in parliament. The Rajapaksa regime, on the other hand, led a strong state and government" (personal communication, April 4, 2017). Through tactical approaches, he gained power and attracted a great number of elites under his control which gained him more than two-thirds majority at the parliament during his presidency. He got a chance to

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[38] The initial Bandaranaike–Chelvanayagam pact was tabled in 1957. This incited a Sinhala nationalist backlash, and mob attacks on Tamils throughout the southern provinces. In view of an anti-pact protest march by Buddhist monks and prominent members of the political opposition from the Sinhala Buddhist stronghold of Kandy, Bandaranaike repudiated the pact (Podder, 2006). The next pact was signed as Dudley – Chelvanayagam in 1965. 'Failures of implementation of' most provisions in the pact 'by the Sinhalese elite of these negotiated agreements contributed to' another setback in the history of peace negotiation (Podder, 2006). However, resistance from the Sinhalese opposition and Buddhist clergy was also another reason for agreement to be abandoned (Orjuela, 2004, p. 91; Bercovitch, 1996; Balasingham, 2004; Wilson, 2000 as cited in Fazil, 2016).

The third attempt was external involvement in Sri Lankan conflict that was signed as Indo-Lanka accord and formed Provincial Council system under 13th Amendment to the constitution which facilitated the arrival of IPKF. The major party, SLFP, and other nationalist movements protested against this accord. The majority elite leadership changed in 1989 when Premadasa came to power and was instrumental in getting IPKF to withdraw. The fourth attempt of the Chandrika-LTTE (1994/95) talks was also not a success. Then another crucial attempt was Chandrika government's constitutional draft and Norwegian facilitated peace negotiations which also failed to provide a solution to the ethnic question. The power rivalry between Chandrika and Ranil were major causes for failure of this process. In addition to this, Norway's impartial role in Sri Lanka caused further difficulties. Norwegian facilitation role was sometimes criticised by the Sinhalese nationalist/radicals when it treated the LTTE as an equal party to the government. The radical parties, primarily the JVP, often called on Norwegian facilitators to leave the country (Fazil, 2016, p. 81). The special envoy Erik Solheim was called a "white tiger" by the Sinhalese. In another criticism in 2002, the Norwegian Ambassador and negotiators were accused of assisting the LTTE in purchasing expensive communications and broadcast equipment (Palihapitiya, 2007, p. 10 as cited in Fazil, 2016).

introduce inclusive policies, but he introduced exclusionary policies and consolidated state power. It was a missing opportunity in the history of Sri Lanka because the majoritarian state continuously excluded minorities, particularly the Tamils.

The present regime consists of two types of leadership, one is head of state, Sirisena from SLFP, and the other is the Prime Minister, Wikramasinghe from UNP, both of whom are moderate leaders. At the same time, both leaders and their colleagues (elites) are from opposing political parties and contest each other for power. The President struggled to secure the full support of his SLFP members and his coalition UPFA. The MPs who should have supported the President and formed a joint opposition and strengthened former President, Rajapaksa. Some other cabinet members also indirectly supported Rajapaksa. There is a crucial question or confusion as to who holds the actual support and power of the people among all three leaders. It is in this context that many observers wonder if the draft bill of new inclusive policy/ constitutional attempt to change the nature of the state and bring minorities into the state system can possibly be passed with the support of a two-thirds majority in parliament. Moreover, will it get the approval of the people through a referendum? This section attempts to find an answer to these questions.

A respondent comments: "The ruling elites in the present government amalgamated with fragmented different interests, and some of them are followers of different leadership (former President Rajapaksa) while supporting the present government. Rajapaksa and his colleagues changed their thoughts against devolution of power to the minorities. So, it is unable to bring all ruling elites into a common consensus in the matter of adopting the new policy/constitution at the parliament" (personal communication, April 6, 2017).

Approval of the people via a referendum is the next vital challenge in the introduction of new inclusive policies. "They are powerful stakeholders in giving the final mandate to the new policies. The Sinhalese ruling elites nurtured Sinhala nationalism to the rural

majority ethnic community to gain and sustain the political power that excluded the ethnic minorities from the sphere of state power. The important factor is ensuring the existing nature of the state" (personal communication, April 7, 2017). A major portion of ruling elites prefer no reform of the state, from a unitary to the federal system, as this is not part of their political agenda. As far as the Sinhalese are concerned, the unity of the nation or unitary nature of the state is seen as a necessary them. A large section of Buddhist political elites also advocate such arguments for their electoral gains. Such sentiments are rooted in the Sri Lankan polity. Within these realities, introducing inclusive policies is very dangerous to the government or to the running of government.

These elites belong to the majority or minority political parties. The UNP and SLFP are important to major political parties. When they introduced policies of exclusion in post-independent Sri Lanka, they consider electoral gains. The propaganda always has successfully formulated and implemented policies of exclusion.

Contrary opinions were expressed by the majority and the minority respondents in the recent survey in January 2016 on the topic of 'Opinion Poll on Constitutional Reform.' In response to the question, "How important is it to establish devolved institutions?", Tamils comprised 57.2% of those who said it was very important while only 25.2% of Sinhalese people believe that establishing devolved institutions is very important. Questions about police powers resulted in 47.8% of Sinhalese supporting police powers be exercised exclusively by the central government. Only 14.3% of Tamils agreed. 24.3% of Muslims believe that the central government should control all police powers. When asked about a merger of Northern and Eastern Provinces, 14.5% of Sinhalese said they were extremely agreeable to such an idea compared to 73.2% of Tamils who agreed (Taylor, 2016, February 28; CPA, 2016).

Evidently, majoritarian elites of Sri Lanka achieved consensus about the maintenance of the unitary state and centralization of power. But, they could not secure consensus on the matter of the inclusion of minorities into the state system through inclusive policies. Thus, due to the lack of elites' consensus on the issue of inclusion, the state has not introduced inclusive policies, in order to avoid further major conflicts. Further, elites may influence the decision of the citizens of Sri Lanka if new inclusive drafts are submitted to the people for approval. However, minorities are expecting the state will change, and they will be accommodated into the state system as a consequence of the defeat of the LTTE.

6.2.4 Unstable Government

The present national government is formed via a coalition of UNP, SLFP, UPFA, and radical majority parties along with the minority. However, recent attempts of the coalition government to introduce inclusive mechanisms to accommodate minorities into the state system via a formation of the new constitution have stalled due to the unstable government and lack of support from the elites. Following the February 2018 local government election, former president Rajapaksa was back under a new political banner after leaving his party, the Sri Lankan Freedom Party (SLFP). Now, with the support of his brothers and former members of the SLFP, he leads Sri Lanka Podujana Peramuna. Rajapaksa appeared to have taken his revenge on both the UNP and SLFP by winning this election. After the election, he stated that the current government should dissolve parliament and call for re-elections. Given this background, there is no question that Rajapaksa has little intention of giving up his desire to become a prominent figure in the country's political affairs once again. Knowing that there are potential clashes between supporters, Rajapaksa urged his voters not to attack the losing side (Jahonsson, 2018).

In the aftermath of the election, the present government conducted a cabinet reshuffle and removed the ministerial portfolio from Rajapaksa supporters. A portion of people and elites requested Prime Minister Wickramasinghe to resign from the post of the leadership of UNP. The motion no-confident against the Prime Minister was submitted to the parliament. Further, the economy of the state has declined steadily.

6.2.5   Radical Hardline Force

Political parties solely based on religious identity are a relatively new phenomenon in Sri Lanka, and they are another segment of political elites to oppose and mobilise the majority community against new inclusive policies and a constitutional solution to the conflict. Three major political parties can be exclusively categorised as political parties that employ Sinhala Buddhist concerns and demand for electoral gains: Janatha Vimukthi Peramuna (JVP), Jathika Hela Urumaya (JHU-discussed below) and Jathika Nidahas Peramuna (JNP) (Imtiyaz 2010). Presently, Bodu Bala Sena (BBS), Sinhala Ravaya (SR) and Sinhale Jathika Balamuluwa' (SJB / 'Sinha Le') (Ayesha, 2016, p. 27) are viewed as main ethno-religious forces who are trying to disturb the peace and tranquillity of the country (Fowsar, 2014). Another group arose in the name of Pivithuru Hela Urumaya (PHU), under the leadership of Udaya Gammanpila, a Sinhala nationalist MP (Tamil Guardian, 2016, September 20). These groups share common goals: to uphold Buddhism and establish a link between the state and religion; to advocate a violent solution to the Tamil question and; to oppose all forms of devolution to the minorities. The emotional, symbolic agendas of the JHU, JNP, BBS and SR are the biggest hurdle for the government of Sri Lanka to seek meaningful political initiatives to reconstitute the state. It is unlikely that these ethnic-based political parties (elites) and social forces will come to a consensus to introduce inclusive policies.

JHU is a Buddhist nationalist political party, a coalition partner of the government who initially left Rajapaksa and contributed to the regime change. The leader of JHU, Mr. Ranawaka, who is responsible for powerful ministerial portfolio, continuously expresses his view on devolution that "separatism or federalism cannot be achieved" (The Hindu, 2015, July 30). He is an influential member of the Constitutional Assembly (CA) at present. Therefore, it is a real challenge to attempt for state reconstitution on the basis of federalism or inclusive policy while he is in the CA. He also vehemently refused to implement the devolution of police and land power to the Provincial Councils' under the 13th Amendment to the constitution.

6.2.6 Problem of Regional Minorities in North and East

Tamil elites demand, as a federal solution, in the post-civil war, to re-merge the Northern and Eastern provinces as a single periphery for the Tamil minority. Sampanthan (2016), the leader of the TNA stated, "we strongly emphasise merging North and East to confirm majority Tamil speaking people. It may be a rational demand in the Northern Province, but considering the ethnic composition of the East, it is not acceptable." Tamils comprise 39.2% while Muslims and Sinhalese comprise 60.1%. This ethnic composition is a major challenge to state introduces inclusive policies on the basis of state reconstitution. This situation is demonstrated in the following table.

Table 6.1: Percentage Distribution of Population by Ethnic Group and Province

Provinces	Population	Total	Ethnic Group			
			Tamils	Sri Lanka Moor	Sinhalese	Others
Northern Province	1,061,315	100.0	93.8	3.1	3.0	0.1
Eastern Province	1,555,510	100.0	39.2	36.9	23.2	0.7

Sources: The Department of Census and Statistics - 2012

Muslim elites' viewpoints are not reconciled to Tamil demands to re-merge North and East. "Muslims are concerned over their changing political power within a remerged North and East because Muslims are more than 36% in the East at present. If both Provinces remerge, Muslim representation will decrease to as low as 17%. Muslims feel insecure about that" (Irshad, 2016, p. 18). M.H.M. Ashraff, the late leader of Muslims, declared that "Merger of North and East is slaved charter written on the spine of Muslims". At the same time, the present leader of SLMC and powerful Minister in Government, Rouf Hakeem said, on the matter of North and East, "we are in the situation of unharmed compromises. Reconciliation is not reachable overnight." The leader of National Congress, A.L.M. Athaullah strongly says, "North and East is demerged based on some principles. If Tamils want to merge the provinces, then we will talk with them. These should form two equal provinces, i.e. Tamil majority province and Muslim majority province. Through this formation, I feel that it is possible to establish two Tamil speaking provinces and two Tamil speaking Chief Ministers." Former Minister, Segu Issadeen, views are; "if a federal solution is given to Tamils through merging North and East, Muslims of that area must live as refugees in their home." Deputy Minister, M.L.A.M. Hisbullah stresses that remerging North and East as a resolution to the ethnic conflict will not bring a sustainable solution. Therefore, a resolution to the ethnic conflict is not remerge north and east, but 13th amendment must fully be implemented to be practised in all nine (09) provinces." A senior academic's view is; "Muslims should not demand separate autonomy and power sharing unit. We must support national integration. Rights that are enjoyed by all communities in the state should also be rightfully demanded for us" (personal communication, April 9, 2017)

Opinions of Muslim elites vehemently oppose those of Tamil leaders whereas an academic shared a moderate view to support national integration. Muslim's fears are reasonable when compared to previous situations that arose during the LTTE period. In

the late 1980s and 1990s, Muslims were affected by the LTTE and other Tamil militants. Therefore, the present study finds that Muslims prefer a separate northern and eastern province where they enjoy self-rule of their people and areas. The previous section also indicates that powerful Muslim leaders may integrate with Government while some of their local leaders may oppose if the new policy/constitutional draft does not propose a political solution to the island's conflict. This section also identifies that it is difficult to bring Tamil and Muslim elites to a common consensus in the matter of resolution and state reconstitution.

On the other hand, how can the Sinhala minority in the North and East be accommodated if it is merged? It is an additional significant challenge to state reconstitution after the LTTE era. It is well known that the Sinhalese are the majority in the state. However, they are a minority in the north and east. In this regard, the majority of Sinhalese elites will consider their people's welfare while attempting state reconstitution. Sinhalese elites in the past have had causes to panic about the danger surrounding their community in the North and East. They acquired follow up action to safeguard their people through numerous strategies. Those strategies include an amalgamation of some predominant Sinhalese areas with Tamil speaking people's majority districts and declaring those sacred areas (E.g. Deegawapi in Ampara District). Some of the respondents commented that "the strong majority state is planning to create some more Sinhalese dominated districts, divisional secretariats and local governments within north and east. Others also say that a portion of the area from Tamil speaking people in the north and east may amalgamate with Sinhalese dominated border provinces" (personal communication, April 3, 2017). Villages bordering north and east continued to suffer at the hands of the LTTE. The Sinhala majority elites will never allow their people to suffer once again. Therefore, they may consider their community's welfare and try to introduce check and balance power shared institutions and provisions in the forthcoming

draft policy/constitution which may weaken minorities' demands. If such a situation arises, then minorities will vote against the referendum.

6.3 Factors of Society

Different types of conflicts within the minority group, within the majority group, and between the majority and minority groups caused the state's reluctance to introduce inclusive policies in the aftermath of the war. It is due to the absence of strong social forces, intra society (minority) conflicts, contestations between different social forces within society (Tamils, Sinhalese & Muslims) and lack of civil society participation prevail, all issues that are studied below.

6.3.1 Absence of Strong Social Force

According to Migdal (1998, 2001a), the devastation of the secessionist social force (the LTTE) tremendously weakened society's ability to contest the state, and it led once again in the history of Sri Lanka to a reconstitution and transformation of a strong unitary state.[39] Strong state leader, Rajapaksa, gained unprecedented support from the majority Sinha people (won more than a two-thirds majority in parliament) due to the defeat of the strong militant social force and safeguarded the Buddhist state from separatism. Thus, the people promoted him as a strong statesman, and he gained the opportunity to introduce inclusive policies to address the grievances of minority Tamils and avoid another bloody contestations. Unfortunately, he did not do it because, from the state-in-society theoretical

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[39] Migdal (1998, pp. 20-21) argues that "for a state to survive and be able to gain strength, it has to have the ability to mobilise the society and have the capability to penetrate society, regulate social relationships, extract resources, and use resources appropriately. Strong states are those with high capabilities to complete these tasks, while weak states find it difficult." Migdal (1998) also points out that there should be in existence, a skilful leadership as one of the important conditions for creating a strong state.

perspective, Rajapaksa's stand was correct and his path of construction of a strong state was acceptable. Thus, when the state defeats a strong militant social force, it weakens the social force that fought on behalf of the society. In the meantime, the state has the upper hand and attempts to marginalise the weakened society (minority) in its construction of a strong state. In this regard, Rajapaksa and his state excluded minorities by introducing policies of exclusion and marginalisation. Therefore, if a social force fails or is defeated by a one side military victory, it is impossible to introduce inclusive policies while the state grows stronger.

6.3.2 Intra-society (Minority) Contestations

After the defeat of the LTTE, political observers recognised that the political party of the TNA took over as a social force for the Tamil community. The Tamils' mandate was given to TNA with the aim of reconstituting the state and gaining Tamil aspirations. The contemporary trend of the TNA leads to an important question as to whether it is capable enough to demand and fulfil the expectations of Tamils.

When Wikneswaran, former Chief Justice, contested as a representative of the TNA and was selected as the Chief Minister (CM) of the Northern Provincial Council (NPC) in 2013, there was a contradictory phenomenon in the leadership of the TNA. The CM's and NPC's activities were different from the TNA leader R. Sampanthan's. Sampanthan and Sumanthiran stated, "we expect internal self-determination in united Sri Lanka." Even though, Wikneswaran, Sivajilingam, Suresh Premachandran and Ananthi Sasitharan demanded a federal solution for the Tamils. Opposite opinions between two of the powerful Tamil political elites within the TNA expresses dissension regarding the Tamils' demand. It is a key challenging factor to obtain a resolution through the state reconstitution. A civil society representative expresses his view on this matter saying:

The present contradictory stand of the Tamil leaders is not healthy. "Some of them are dancing to the tune of Diaspora who is away from the country without knowing local context. Others are trying to follow compromise politics with majority regime without any success. Innocent civilians voted in favour of these politicians with the fullest optimism that they will stick together as a united group and bring a solution to their problems. However, in reality, elites forget the promises they gave to the people during the election campaign" (personal communication, April 06, 2017).

This contradictory politics of Tamils is likely to incapacitate so-called post-war social force of the TNA and weaken the Tamils demand.

The other challenge in Tamil politics is posed by other parties that are active in the North and East. They have also secured parliamentary, provincial and local government memberships. Such parties are the Tamil United Liberation Front (TULF), Tamil Eelam People's Democratic Party (EPDP), Tamil Makkal Viduthalai Pulikal (TMVP), and Tamil National People's Front (TNPF). A politician claims: "We are also representing Tamil community, and we should take part in the negotiation table. We fought for Tamil rights and sacrificed the lives of our valuable members. We demand a democratic solution to our peoples' grievances" (personal communication, April 9, 2017)

V. Anandasangaree, the Secretary-General of TULF, claims that "TULF is the real political party of Tamil people and I am the official leader of the party to represent them. However, the TNA sidelined me and had hidden the fact." A civil society representative commented against TNA stating; "we cannot believe selfish TNA and their activities" (personal communication, April 3, 2017)

Another challenge is that Tamil politics is a misunderstanding among Northern and Eastern Tamils. A research student of political science narrates that "Nature of the Tamils

in north and east is diverse via cast structure, habits and tradition. It leads to regionalism between Eastern and Northern people. It was visible after the defection of Karuna. In the view of the Eastern Tamils, the Northern Tamils will always dominate them, and even during the existence of the LTTE, the foremost place was given to the north. As a result of these experiences, Eastern Tamils view resolution to remerge North and East suspiciously" (personal communication, April 4, 2017). This dissention will be a challenge to the constitutional resolution to the ethnic conflict in Sri Lanka.

To strengthen the Tamil demands, the Tamil People's Council (TPC) and other social forces have taken several steps. For example, the TPC submitted a proposal of the idea of the federation to the PRCCR, and have called for the Ezhuka Thamizh people's rally to be held on 24 September 2016 (The Tamil Diplomat, 2016, September 21). Organising the so-called rally was alarming when reflecting the level of distrust of the Tamils upon government. Wikneswaran (Thuliyam, 2016, September 22; Tamilnaatham, 2016, September 22) declared his community's distrust in his speech:

The GOSL announced a constitution to be brought in our favour while we suspect their activities which destroys our existence and individuality of North and East. We condemned the penetration of majority into our Tamil speaking areas. They promised nationally and internationally to provide a constitution to ensure identity and individuality for us but have not withdrawn military presence in North and East. With the support of militarisation, Buddhist temples have been established in our lands, War crimes are being brushed over without proper inquiry. Our lands are getting encroached, and our ethnicity, language, religious identity is being wiped out via secret activities.

6.3.3 Contestations between Different Social Forces among Societies (Sinhalese, Tamils & Muslims)

One of the crucial outcomes of the post-civil war state of Sri Lanka is inter-society rivalry among different social forces. The majority Sinhalese social forces are getting mass support through the hate campaign against the minorities and their social forces. They have become political parties and influential forces in government. Minority Muslims are another group in the country and they make up 10% of the total population of the state. The Majority Buddhist social forces are feeling that Muslims and their social forces are gaining superiority and they may become a leading society in the future. The same they did for the Tamil community in the post-independent era.

The priority of Sinhala Buddhist nationalists in marginalising the minorities shifted towards the Muslims with the end of war in which Tamils were the predominant victims. As such, the violence against Muslims in different parts of the country increased during the post-war period, particularly targeting their places of worship, that is mosques and business centers. Other methods of intimidation included matters pertaining to cattle slaughter, their attire, dietary practices and so on, issues that were exacerbated daily, with hatred and intolerance spewed against them by Sinhala Buddhist nationalist elements. The most notable and brutal violence against Muslims by the Sinhala Buddhist hard-line groups occurred in 2014 in Aluthgama, Dharga Town and in Beruwala in the Kaluthura District of the Western Province (Farook, 2014). This incident itself propelled the Muslims voting to protest against the Mahinda regime which they perceived to be too lax and oblivious of the atrocities of militant Sinhala Buddhists. Although the Mahinda regime was overthrown, hatred, intolerance and racism coupled with violence against Muslims persisted under the new coalition government. The anti-Muslim violence in Ampara and Kandy is the recent manifestation of a persistent virulent campaign against the Muslims in the post-war period.

The violence against Muslims erupted in Ampara on February 26, 2018, followed by attacks on Muslim businesses, places of worship, houses and other properties in Digana and Teldeniya and other areas in Kandy District. On March 4, 2018, the government declared a curfew in Kandy and imposed a state of nationwide emergency to prevent violence against the Muslims from spiraling out of control.[40]

This shows that the objective of the perpetrators of violence was not to kill or assault Muslims, but to cause massive damage to the economy of this group. Moreover, the Divisional Secretariat of Menikinna reported that the total loss of the Kandy violence incurred by Muslims was estimated at around one billion in rupees.[41] This propelled the government to impose an island-wide state of emergency for a few days, while shutting down social media such as such as Facebook, Twitter, Whatsapp and so on in order to prevent the mobilization of mobs, as they served as a space to propagate hate speeches and racism leading to violence against Muslims not only in Kandy, but across the country too. These incidents are symptomatic of a wider issue that has an undercurrent of racism and nationalism entrenched in the psyche of those Sinhala Buddhist hardliners as a result of the 26-year-long civil war and post-war realities in the country.

Muslim social forces are also contesting with these majority social forces via different strategies such as being strong in their religious activities and protesting against the attacks. In addition to that, when a majority social force attacks the minority Muslims,

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[40] The anti-Muslim violence in Kandy left three people dead and nearly 200 Muslim businesses and homes destroyed, and eleven mosques were attacked (Wettamuny, 2018). Moreover, over 325 Muslim families were displaced in different parts of Kandy. The death of one Muslim boy was caused when the boy got trapped in a burning building and choked on the fumes. Physical harm experienced by Muslims was comparatively low because most people had been able to run away on time and mobs were not interested in causing physical harm to people (Jeyaraj, 2018).

[41] For further details: http://www.madawalaenews.com/2018/03/885.html

the police and other security forces are not taking meaningful action to stop the violence (Fazil, 2018). This situation is described by the leader of the Muslim social force, Rouff Hakeem, as a "monumental failure of law and order machinery of state" (Hakeem, 2018).

This contestation between majority and minority social forces strongly influences mainstream politics. Muslim politicians and social forces condemn the state leaders and protest against the government. The Christians and their worship rights are also discriminated and attacked by the majority Sinhalese mobs in the post-civil war Sri Lanka. These contestations and human rights violations were published in a report by Amnesty International in 2017. It indicates that "Sri Lanka saw a rise in Buddhist nationalist sentiment, including attacks against Christians and Muslims. Police failed to take action in response to continued threat and physical violence against Christian and Muslims by members of the public and supporters of a hardline Sinhala Buddhist political group" (Amnesty International Report, 2018, pp. 40, 343).

Other general issues must be considered. The issues to be discussed fall under the sub-themes involving social, cultural and economic matters. Women and school girls are facing a serious challenge in the post war scenario. Specially, while exact figures are unavailable, there are an estimated 40,000 "war widows" in the Northern Province and 50,000 in the east. This is the real problem as most of the widows are heads of the family. Normally, women-headed families increased due to the war's effect on the region. These women and their families are facing real challenges in the post-war situation as such as psychological problems, economic insecurity, and sexual exploitation. There is ample evidence that school girls are continuously raped and killed. Law and order mechanisms have failed to stop these brutal cases of sexual violence. New groups have been established and impose violence and illegal activities in the northern part of Sri Lanka.

They are using traditional instruments, for example knives, to incite violence. Drug use among youths and school children has increased.

As for cultural issues, as a result of military presence and state sponsored settlement of the Sinhalese majority people in the Northern and Eastern parts, traditionally areas of predominantly Tamil-speaking people, military camps and new village settlements have been established, along with Buddhist temples. Even near, next or inside Hindu temples, they are constructing Buddhist temples. Moreover, village and street names were changed from Tamil to Sinhala. These activities are a new way of domination and marginalization of Tamils.

Economic issues are another burning concern. Thousands of acres of public land have been occupied by the state military and declared as higher security and economic zones. Tamils could not resettle in their areas and avoid involving themselves in their livelihood activities such as agriculture cultivation and other farming activities. Further, the military is also growing agriculture products and bringing them to the market. Unfortunately, post-civil war development projects are ongoing and employ southern majority Sinhalese as a workers, an issue which is affecting local Tamils and their livelihood. The remaining Tamil social forces are opposing these types of activities and challenging state sponsored activities. Thus, the government feels that Tamils are still working against to them and the Sinhalese people. This situation hampers the introduction of inclusive policies.

Therefore, contestations between different social forces among Sri Lankan majority and minority groups in the post-war state is a stumbling block for introducing inclusive policies to avoid another major conflict in the future. These social forces are very influential in the contemporary state and its government and will not support such changes.

6.3.4   Lack of Civil Society Participation

An introduction of new inclusive policy and a high level of civil society participation is another factor. Lack of participation of civil society can be a challenging stumbling block to introducing new inclusive policies to avoid escalation of new contestation. In the liberal world, civil society participation is essential to introduce social welfare or inclusive policies. Civil societies of Sri Lanka in the post-civil war period have been inactive toward influencing and encouraging the state of Sri Lankan to introduce inclusive policies to accommodate minorities into the state system.

Notably, the post-civil war strong state has been prohibited action due to the presence of civil society organisations in the country. However, since 2015 a new government relaxed the limit and allowed the independent work of civil society organisations. Nevertheless, the civil societies of the Tamil minority have been unable to force inclusive policies while the majority civil societies remain silent on this matter.

6.4   Influence of International Factor

The international community plays a crucial in the post-war attempts to introduce inclusive policies to avoid another major conflict in the island. The state has not taken any meaningful attempt to introduce inclusive policies in the aftermath of war. Thus international factors could not influence the Sri Lankan government. In this regard, the roles of the Tamil diaspora and transnational government, the India factor and pressure of the international community are discussed below.

6.4.1   Tamil Diaspora and Transnational Government

The Tamil diaspora and its Transitional Government of Tamil Eelam (TGTE) are key challenging factors in the recent hindrance of the reconstitution agenda. The TGTE and its goals have been to create fear about new secessionist demands. It is one of the reasons which make it difficult to bring the Sinhalese and their political elites to the common consensus on greater devolution of power to minorities in the post-LTTE climate. The Tamil diaspora should have spent more of their influence in garnering international support in achieving Tamil demands rather than giving more emphasis to human rights violations by security forces. In any case, the state of Sri Lanka and its majoritarian people are alarmed that separatist elements are still alive in the form of Tamil diaspora or TGTE which discourages the majoritarian state from considering the Tamil minority as equal citizens.

6.4.2   Role of India

The international community plays a crucial in the post-war attempts to introduce inclusive policies to avoid another major conflict in the island. The state has not taken any meaningful attempt to introduce inclusive policies in the aftermath of war. Thus international factors could not influence the Sri Lankan government. In this regard, the roles of the Tamil diaspora and transnational government, the India factor and pressure of the international community are discussed below.

Sri Lanka cannot impose a resolution to the island's ethnic conflict without the consideration of its big neighbour, India, because, India has been involved in Sri Lankan ethnic conflict from the inception. Uyangoda (2012, p. 3) states "the Indian government's direct involvement in bringing Sri Lanka's ethnic conflict to an end through a political settlement in 1987 occurred in such a context which opened up space for external

intervention." The Indian intervention through the Indo-Sri Lanka peace accord of July 1987 led to the first major state reconstitution or inclusive policy initiative undertaken in post-independent Sri Lankan government. The creation of a system of provincial councils, as the institutional framework of devolution, promised a major restructuring of the unitary state in Sri Lanka in the direction of regional autonomy (Uyangoda, 2012). Even though the provincial council system remains a remarkable devolution of power in post-war Sri Lanka, India is keeping silent on the matter of new policy formation in the aftermath of the defeat of the LTTE. India has not yet delivered its standpoint on the mode of policies in the devolution. It can be observed that provincial the council system may remain with some modifications as a solution.

6.4.3   International Pressure and Balance of Power

An important question asked by observers is why the international community has failed to insist on post-civil war inclusive policies in Sri Lanka? Studies argue that the international balance of power among super-powers and remaining sovereignty of the state in the globalized world are major factors for this failure. The present study explores the reasons behind the failure of the international community to take meaningful initiatives to direct Sri Lanka to institute proper measures to introduce/impose inclusive policies. They have given more attention to accountability issues in the final stages of the war. As a result of this, Tamil demand for state reconstitution has suffered a major setback in the international arena. Specially, US and its allies in the western world could not bring to the UN Sri Lanka's alleged violations of international humanitarian and human right laws which were committed during the final stage of civil war due to the fear of China's and Russia's veto. Finally, they took the matter to the UNHRC and passed a US-sponsored resolution against the government of Sri Lanka.

Resolutions concerning an impartial investigation regarding accountability issues of war crime have arisen. In the national polity, UNHRC resolutions generated a crisis to the Rajapaksa regime which in turn promoted Sinhala nationalism. This crisis deviated Rajapaksa from the path of resolution even though he had the powerful executive presidency and more than two-thirds majority in the parliament. Mounting international pressure on implementation of LLRC and its national implementation plan were also strategically postponed.

Liberal peace-building efforts of western allies also failed to reach their targets. The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') was banned from entering Sri Lanka, while other financial and economic assistance were drastically decreased by the west. This vacuum of international assistance was filled by China who became a development partner of Sri Lanka. Because of China's presence, the government of Sri Lanka could easily oppose the US and western world.

On the other hand, "regime change in 2015 brought new hope for a new policy formation. But, majority nationalistic elements have been an obstacle" (personal communication, April 3, 2017). US and its allied countries moved towards building good relations with the newly elected government. However, the new government is also following a balanced foreign policy, maintaining a relationship with western countries as well as the regional super-power, China. Importantly, the new government plans to introduce a new constitution.

The geographical location of Sri Lanka has been considered strategically important in international politics. However, it is not the foremost strategic location to the interest of the US. Thus, the US is not taking much interest in the internal affairs of Sri Lanka. It has been nine years since the end of the thirty year long civil war, but there has been no

credible pressure imposed by the international community to introduce inclusive policies to avoid conflict as a result of international and national circumstances.

6.5 Summary

This chapter touched contemporary political challenge in accommodating minorities into the state system. It identified different factors that had influenced the avoidance of inclusive policies by the state. Findings of this chapter is very crucial, because expected that termination of the war and defeat of the separatist should have provided opportunity to the state to introduce inclusive policies to avoid another major contestation. Unfortunately, analysis of the chapter rendering following factors from the perspective of key categories of state, society and international community are instrument for the avoidance of the inclusive policies: from the perspective of the state image of the post-war strong state, suspicious on the regrouping Tamil militant and counter measures of strengthening the security, lack of elites consensus and influence of the majority community, present unstable government etc. From the analysis of society reveals that absence of Strong Social Forces, Intra-society (minority) contestation, Contestations between different social forces among society (Tamils, Sinhalese & Muslims) and Lack of civil society participation are hampering the state to introduce inclusive policies. Simultaneously, state felt that the Tamil Diaspora's campaign against the state and its formation of Transnational Government of Tamil Eelam threatening aspect to the state, thus the state is reluctant to introduce inclusive policies. Further, chapter highlights that failure of India and International Community to pressurize state of Sri Lanka to introduce inclusive mechanism due to international power balance (China factor). The next section summarises and concludes the findings, identifies the contribution of the study and offers recommendations, limitations and avenues for further research.

CHAPTER 7: CONCLUSION

7.1 Introduction

This chapter presents the conclusion of the research. It starts with an overview of the entire research and continues by responding to the three key questions of the study. The next part focuses on the contribution of the study and presents the critical review of state-in-society theory. It also presents the empirical contributions of the study. The next part of the chapter is a list of recommendations in three categories.

The first part is addressed to the state (political elites and bureaucratic elites/policy makers), especially those who should introduce inclusive policies in the post-civil war period. The second part is addressed to society (minorities) as the key stakeholder of the contestation. The third part is addressed to the international community. The recommendations will assist them in revising their programme to convince the state of Sri Lanka to introduce inclusive policies that can be modelled for other intra-state contestations in the world. The chapter continues with certain limitations of the research and recommendations for future studies in the field. The chapter ends with the summary.

7.2 Overview

This research focused on the issue of state-minority contestations involving transforming and reconstituting each other in post-independent Sri Lanka. By using an approach of key categories of analysis, collecting data from the state, society and international community and applying state- in-society theory (as raised by Migdal), the researcher aimed to answer the three key questions raised in the first chapter:

(1) What are the factors that contributed to the failure of the strong minority social force that was formed to reconstitute and create a new, inclusive state?

(2) What key lessons can the state and the Tamil minority group derived from the civil war that ended in 2009?

(3) Why has the state not responded with inclusive policies to prevent another major contestation?

Through an analysis of the data collected from the field, a series of results were found. The state and society were studied within the unitary state structure of Sri Lanka and international context. The research studied the state's policies of exclusion of minority (Tamil) from the state system and counter politics of minority for state reconstitution and separation for their safeguard. The theory helped the researcher review the interactions amongst the image *(such as rule-making capacity of the state: coherent controlling in a territory)*, actual practices (routine performance of multiple parts of the state and its agencies) and formation of social forces and its engagement with state and state's penetration leading to destruction, co-optation, subjugation of local social forces and the state's domination, as important elements of state-in-society theory.

7.3   Findings and Conclusion

What are the factors that contributed to the failure of the strong minority social force that was formed to reconstitute and create a new, inclusive state? The image of the post-colonial majoritarian unitary state of Sri Lanka was sufficiently dominant to control all rule-making process instrumental to the social control within its territory. In this regard, state policies were formulated and implemented to safeguard and satisfy Sinhalese minorities and were aimed at obtaining their electoral support for UNP and SLFP (mainstream political parties) whilst discriminating Tamil minorities. Such leading policies were the Citizenship Act, the Sinhala Only Language Act, land policies and university admission and employment policies. Considering these circumstances, the

Tamil minorities, who felt they were being alienated from the body politic with their culture being neglected, challenged the island's post-colonial trajectory. In this way, state–minority contestation developed in Sri Lanka.

As a result of the policies of exclusion, state and minority contestation began when a demand was made by Tamil minority political elites to reconstitute the unitary constitution of Sri Lanka to allow regional autonomy to the North and East by means of a federal solution. As a result of unreachable negotiations and continuous discrimination since the mid-1970s, Tamil politicians shifted from support for federalism to a demand for a separate Tamil state, namely, the 'Tamil Eelam', in Northern and Eastern Sri Lanka (areas of traditional Tamil settlement). Other groups, particularly the Liberation Tigers of Tamil Eelam (LTTE or Tamil Tigers), sought to establish an independent state through armed resistance.

The LTTE developed into a strong militant social force and challenged the image and practice of the state of Sri Lanka. The LTTE's massive military victory over the Sri Lankan state and its ability to control substantial territory in the Northern and Eastern provinces led to the questioning of the state's image at the end of the 20th century; however, neither the state nor the LTTE were fully victorious. The change in international perceptions following the September 11th terrorist attack on the United States of America combined with the stalemate in the civil war in Sri Lanka brought both parties into the negotiation process.

This study argues that to find a solution to these state–minority contestations, the attempts made by the state of Sri Lanka towards a peace settlement with the LTTE had involved some measure of third party or international intervention, including India and later Norway. A new optimism for a long-lasting peace emerged when the Norwegian government was invited officially in 2000 by the government of Sri Lanka and the LTTE

to facilitate the peace process. Norway helped broker a Memorandum of Understanding/Cease Fire Agreement (CFA), which was signed by both parties on February 22, 2002.

The key provision in the agreement was a respect for existing frontlines. This initiative left large tracts of territory in the North and East under LTTE control and had also been mentioned in the CFA.[42] Several important agreements for further development of the peace process were made during six rounds of negotiations. An important outcome of the third round of talks held in Norway is the Oslo Communique, in which both parties agreed to explore 'a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking peoples based on a "federal structure" within a united Sri Lanka'. This event is interpreted widely as a shift in the LTTE position from 'separatism' to 'self-determination'. Both parties had changed their original demands significantly by moving away from the unitary position of the Sinhalese ruling class and the separatist position of the LTTE. These particular negotiations faced a major upset when the LTTE suspended its participation after the sixth round of talks. Thus, another important finding of this study is that the Norwegian facilitation had not been very successful in bringing peace to Sri Lanka because of new political developments domestically and internationally.

The state penetrated[43] the LTTE with the alliance of international actors, broke its Eastern wing (headed by Colonel Karuna), formed another social force of Karuna's faction and incorporated a new social force into the state structure. Different factors

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[42] As stated by Migdal and supported by Toit, the strong state of Sri Lanka transformed into 'weak state', whereas the LTTE transformed into a strong militant social force with quasi state structure to achieve its goal of Tamil Eelam.

[43] Defined by Migdal as the possibility of 'state incorporation of existing social forces.'

contributed to the failure of the LTTE, including national and international factors. National factors can be highlighted as centralised leadership of Prabhakaran and his inadequacy of strategic understanding, fractions in the LTTE (e.g. the Karuna's defection), defection of the political wing of the LTTE, strong state leadership and state security and inability of the LTTE to fight effective hybrid warfare. The following international factors also contributed to the defeat of the LTTE: the assassination of ex-Prime Minister Rajiv Gandhi, post-September 11 changing the international politics of GWOT and international power balance (China factor).

The second key question is to determine the key lessons that the state and the Tamil minority group can derive from the civil war that ended in 2009. The state of Sri Lanka is expected to have learned lessons from the consequences of the civil war that ravaged the country for 26 years and devastated the lives, property and economy of the country. With these lessons, the state could introduce inclusive policies to accommodate minorities into the state system. However, studies have revealed that contrary to the above-mentioned assumption, the state learned the use counter-insurgency approach to defeat social force from the civil war. Such approach resulted in the failure of the separate state formation goals of the social force. The state also sought to broadcast the message to the international states to follow the 'Sri Lankan model' for succeeding in the counter-insurgency in their countries where intra-state contestations occur.

Nevertheless, particular counter-insurgency strategies violated international law during the final months of the war. Thus, the United States sponsored the UNHRC resolution against the state of Sri Lanka on war crime allegations and requested the conduct of impartial investigations. However, this resolution has not taken place yet. The LLRC mechanism is expected to provide a solution for human right violations and address the grievances of the minority though inclusive policies, but this mechanism also failed

in Sri Lanka. Thus, this study concludes that the state has not learned proper lessons from the civil war.

Nevertheless, a part of the society, particularly Tamil minorities, has learned very good lessons from the civil war: one is that gaining any solution through the war and secession is impossible, and the other is that the consensus of the majority community is needed to reach any solution via state reconstitution/inclusive policies in the post-war Sri Lanka. In the post-LTTE era, the remaining Tamil minority social forces and some evidence indicate the LTTE formed the Tamil National Alliance (TNA) during the civil war with the intention to hinder power sharing through military contestation. In this regard, post-LTTE era TNA returned to the democratic approach with the majoritarian Sinhalese state and its elites throughout the presidential, general, provincial and local government elections in the post-civil war situation. In the meantime, through the influence of the Tamil diaspora, a portion of Tamil social forces attempted to contest the state with different approaches after war and tried to gain benefit for their society. This initiative was taken negatively by the state and majority Sinhalese. The social forces also criticised TNA leader R. Sampanthan and his colleagues by assuming they are supporters of the majoritarian state.

The present study highlights that the international community failed to avoid human rights and humanitarian violations against Tamil minorities by the state during the counter-insurgency in the last stage of the war. Furthermore, the international community failed to learn when and how to intervene during the violation of human rights and humanitarian laws.

This study shows that the unexpected defeat of the LTTE in 2009 provided the opportunity for a transition in the post-civil war politics in Sri Lanka. According to the conceptual framework (state-in-society theory), the devastation of secessionist social

force (LTTE) weakened society tremendously in contesting the state, which led to the re-establishment of a strong unitary state. The fundamental goal of the particular social force was to fight for the constitution of a separate state for the Tamil minority group in the North and East in Sri Lanka. To reach its goal, this social force attempted to transform and reconstitute the state via a federal solution.

This study exposes that at the end of the war and with the defeat of secessionism, an opportunity was created to reconstitute state from unitary to federal for an inclusive approach. However, state reconstitution was abandoned during this ideal moment. In relation to state-in-society theory, Rajapaksa was a skilful leader who formed a post-war strong state along with his ruling elites. The state's strongman, Rajapaksa, used his popularity (gained due to the victory over the LTTE) as a strategy for propaganda to win the second election in 2010, and the masses obliged by extending support to Rajapaksa and his UPFA coalition.

Therefore, this study shows that in the post-war context of Sri Lanka, the strong state increased rapidly its capability to penetrate weakened Tamils and regulate their social relationship in the Northern and Eastern provinces where the LTTE had strongly ruled for many years. Certain tools set up by the strong state to penetrate society and regulate social relations were identified as follows. First, the SLSF was organised and mobilised. Rajapaksa appointed his brother, Gothabaya Rajapaksa, an ex-military officer, as his defence secretary; this appointment led to an unusually close nexus between the civilian and military commands. Second, the state was instrumental to the fragmentation of minority parties and the weakening of state reconstitution via penetration and regulation of the social relationship. The TNA was keen to re-define the Tamil political project within the framework of devolution in the post-LTTE era. However, the Sinhalese majoritarian ruling class, who led the UPFA, attempted to weaken TNA by maintaining

alliance via coalition with anti-LTTE Tamil parties such as Eelam People's Democratic Party and Tamil Makkal Viduthalai Pulikal. Third, the unitary state and economic development were consolidated. Fourth, radical outfit and hate campaigns were proposed. Lastly, the strong state extraction of resources and use of these resources were deemed appropriate in the North and East.

This study identifies post-war social control as claimed by Migdal to be dependent mostly on the level of people's participation in strong state. The state succeeded in the mobilisation of the Sinhalese majority outside the North and East and directed them to participate in the political process of the country, whereas the minorities in the North and East continued to support the remaining social forces such as TNA and Sri Lanka Muslim Congress. Thus, the strong state had the capability to mandate social control in the entire country but faced challenges to achieve its fullest social control in the minorities' predominant areas of North and East. This process is evident in the results of the post-war Presidential, Parliamentary, Provincial and Local Government elections.

The third key question is to determine why the state has not responded with inclusive policies to prevent another major contestation. One reason is the strengthening or re-establishing the dominance of ruling class. The image of the post-civil war state has been strengthened with the one side military victory and support of the majority. This situation strengthens coherent, controlling capacity of the state, thereby promoting the reluctance of the majoritarian state to respond in an inclusive manner (policies) to prevent another major contestation. Another important component of state is actual practices that indicate specifically the bureaucratic system or permanent administration of the state, which has been insufficient to avoid policies of exclusion. Therefore, the dilemma of post-independent political culture or traditions amongst ruling elites resulted in the avoidance of inclusive policies. Such unhealthy political culture is rooted deeply into the state

machinery (bureaucrats). Hence, state institutions or bureaucrats could not formulate or enforce inclusive policies and could not influence the political elites in considering the inclusive policies.

The government attempted to extend its security forces and equipment to avoid regrouping and face any security threat to the territorial integrity of the state. Many security strategies have been followed by the state to neutralise regrouping, such as increased defence expenditure, strong security monitoring system and increased military posts in the former war tone areas.

The political elites of Sri Lanka have been fragmented on the basis of political parties, ideologies, ethnicity, religion, radical and moderates. Leaders of Sri Lanka have failed to bring all 'political elites' into a common consensus on the national issue in the post-civil war parliaments. For example, the elites' consensus will move to a turbulent situation if the new policy/constitutional draft includes a great devolution to the minority-dominated North and East. The lack of elite consensus state has not introduced inclusive policies to avoid further major contestation. Elites may influence the decision of the citizens of Sri Lanka if new inclusive draft is submitted to the people for approval. However, minorities are expecting the nature of the state needs to change, and they should have been accommodated into the state system as a consequence of post-civil war.

Religious identity-based political parties are another segment of political elites who oppose and mobilise majority community against inclusiveness. In accordance with state-in-society theory, contemporary social forces of majority community concerned with Sinhalese identity may work against the inclusion of minorities. These ethnic-based political parties (elites) and social forces will not come to a consensus to introduce inclusive policies.

A large population of Minority Muslims and Sinhalese are residing in the North and East. They are demanding that their aspirations be considered and that they be accommodated them into the future power devolution, which is an additional challenge to the state reconstitution process. A notable finding of the study is that Tamils are demanding for a re-merged North-Eastern Province, whereas the Muslims are against it.

This study determined that the present national government cannot introduce inclusive policies. Former President Rajapaksa and his new political advantage through recent local government election weakened the government.

The defeat of the LTTE has weakened the society. Thus, absence of strong social force and weakened minority is insufficient to transform and reconstitute the existing strong state and consider the way forward to accommodate Tamil minorities.

Different types of contestation within minority and between majority and majority cause for the state's reluctance in introducing inclusive policies after war. TNA gained the mandate of the Tamils and contested with the state for inclusive policies and self-determination. Remarkably, post-LTTE Tamil minority social forces are contesting each other with the influence of the Tamil diaspora and are demanding that the state introduce different types of inclusive mechanism. This unhealthy situation blocks the state from considering the Tamils' aspirations.

One of the crucial outcomes of the post-civil war state of Sri Lanka is inter-society rivalry amongst different social forces. Sinhalese majority social forces are gaining mass support through the hate campaign and mob attacks against the minorities and their social forces, transforming as political parties and becoming influential forces in the government. Minority social forces are also showing their counter protest against

majoritarian state and majority people. This inter-society rivalry is another factor that contributes to continuous exclusion.

An introduction of new inclusive policy and a high level of civil society participation are also essential. Lack of participation of civil society can be a challenging stumbling block in introducing new inclusive policies for avoiding escalation of new contestation. In the liberal world, civil society participation is essential to the introduction of social welfare or inclusive policies. However, civil societies of Sri Lanka did not influence and encourage the state of Sri Lanka to introduce inclusive policies for accommodating minorities into the state system in the post-civil war period.

The Tamil diaspora and its Transnational Government of Tamil Eelam (TGTE) are key challenging factors in the recent hindrance to the inclusive agenda. The TGTE and its goals have been to create fear about new secessionist demands.

This study shows that India and other international actors are not exerting integrated pressure on Sri Lanka towards a political solution to the national question. The international community is more concerned with the impartial investigation of war crimes than on pushing for a unique model of resolution. A strong suspicion has evolved that India may not support the disintegration of the provincial council system. Notably, UNHRC's resolution on Sri Lanka also requests that a political settlement be reached on the devolution of power to the provinces. No clear statement has been released by India and international actors on the matter of resolution to the ethnic conflict. Thus, Sri Lanka is struggling without proper guidance to find a final settlement.

7.4   Contribution of the Study

This study has two major contributions, achieved by extending state-in-society theory in two aspects of 'militant social forces' and 'post-civil war state and society'. The first contribution is to expand the state-in-society theory by including a strong militant group as a social force, which was excluded in Migdal's approach. The second contribution is that it expanded the state-in-society theory to study post-war state and society transformation and how they reconstitute each other. Both contributions are explained in the following subsections. The third empirical contribution is also described briefly.

7.4.1   Critical Review of the Theory

State-in-society theory is a powerful means for understanding a state by studying the interactions between state and society. As a theory of political science, it approaches the political inquiry from a scientific view. However, the theory does not account for a 'militant group' as a social force in the process of state and society's mutual transformation and (re)constitution for political domination. The key categories of analysis show how militant social forces attempt to transform and reconstitute the existing unitary state as supported by the findings of the study in Chapters Four, Five and Six. However, state-in-society theory does not provide an analysis of how militants act as a social force and participate in the state construction process. This theory prioritises the informal and formal social forces (e.g. Senegal's patron client networks or friendship groups and old-boy networks in other societies and businesses and churches) that engage with the state on behalf of the society. Different forms of forces, particularly how militant social forces form and how they deal with the state in the best interests of the segment of the society, are not studied. A plural or multi-ethnic society leads to state–minority contestations and civil wars. Logically, image and actual practices of state introduce

policies of exclusion of minorities from the state system, and militants contest the state and fight for inclusive policies, state reconstitution (from unitary to federal) and even the constitution of a separate state (new) within the territory. However, the militants also act as social force.

State-in-society theory posits that actual states are shaped by two elements, namely, *image* and *practices*. In the definition here, the image of the state is that of a dominant integrated, autonomous entity that controls all rule-making in a given territory either directly through its own agencies (practices) or indirectly by sanctioning other authorised organisation (e.g. business, families and clubs) to formulate certain circumscribed rules.[44] Migdal studies image and practices of the state from the ideas of Shils and Weber[45] and offers a new definition to the state. Migdal's definition shows the picture of contemporary states in the world, particularly the newly-independent states, but the context of Sri Lanka is different from that of others. In particular, the post-independent state of Sri Lanka was constructed as a strong unitary model and the image of the state controls and alienates minority Tamil minorities directly and indirectly through policies of exclusion from the state structure who dominates in education and bureaucracy above their ethnic personage. Such policies in favour of Sinhalese majorities as part of unitary state structure and actual practices of the state implement these discriminatory policies in the entire country. In this state's policies, the transformed portion of society of Sri Lanka felt they were being alienated by the majoritarian state and formed social forces that demanded for

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[44] 'Image implies perception. Here, perception of the state is by those inside and outside its claimed territory as the chief and appropriate rule maker within its territorial boundaries' (Migdal, 16, 2001).Thus, state is a supreme body to control informal and formal social forces in its territory by its rules.

[45] In Shils, Center and Periphery, p.74., Weber writes, 'The right to use physical force is ascribed to other institutions or to individuals only to the extent to which the state permits it'. The state is considered the sole source of the 'rights' to use violence according to Max Weber, p.78 (Migdal, 16, 2001).

reconstitution of state as federal inclusive state. In due course, the Tamil youth lost confidence in their political elites by believing they cannot recapture Tamil rights lost through the policies of exclusion. As a result, they formed several Tamil militant social forces.

The image of the state introduced Prevention of Terrorism Act and the Emergency Rules and Regulations to control these militant social forces. However, the LTTE created a strong militant social force amongst its members and challenged the autonomy and coherent controlling capability of the state. Studies have revealed it acted similar to a state or de-facto model of state, captured and controlled state's own substantial land of area and introduced other elements of the state such as security, legislation and judiciary. Moreover, the administration of the LTTE served the Tamil people in its control area along with actual practices (state institutions or bureaucracy) of the state. Through the military balance or stalemate situation, the LTTE brought the state of Sri Lanka along with the international facilitation to the negotiation table, and both (state and minority social forces) agreed to the federal solution. Thus, the LTTE weakened the state. It has developed an interesting argument. In particular, Migdal's state-in-society theory clearly worked in Sri Lanka because the state and society mutually transformed and attempted to (re)constitute each other. However, Migdal does not indicate militants as a social force in his theory. In the context of Sri Lanka, militant social forces play equal roles similar to Migdal's social forces. Therefore, the present study expands state-in-society theory through it empirical analysis that 'militant social force(s)' can be considered social force, which is contrary to state-in-society theory. In the different parts of the world, several militant social forces are challenging the image and actual practices of the state. To understand state properly, the social forces that play important role in behalf of the minority or part of the society should be studied.

If the civil war ended via the influence of national and international factors, then the result might be a one-sided military victory. The weakening of the other side defeated in the war could have been made possible. The state penetrates society and destroys the militant social force.[46] In this situation, post-war state and society relations are ignored by this approach. This study provides insight into these issues and attempts to expand Migdal's state-in-society theory through empirical findings.

Through the defeat of the strong social force, the state transformed into a strong state, whereas the society (minority) was transformed by the state into a weak society. The weakened society cannot contest the image of the strong state and success in the transformation and reconstitution of the state. In this situation, the strong state reintroduced policies of exclusion and alienated Tamil minorities from the state system. Rajapaksa is a skilful leader who formed a post-war strong state along with his ruling elites. The state's strongman Rajapaksa used his popularity (gained due to victory over the LTTE) as a strategy for propaganda to win the second election in 2010, and the masses obliged by extending support to Rajapaksa and his UPFA coalition. Included in his coalition were radical social forces from the majority community and were another instrument for his electoral victory and formation of a strong state, which denied the existence of a state–minority contestation in Sri Lanka and were opposed to inclusive policies. This study shows that in the post-war context of Sri Lanka, the strong state increased rapidly its capability to penetrate weakened Tamils and regulate their social relationship in the Northern and Eastern provinces where the LTTE had ruled strongly for many years.

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[46] State-in-society theory posits that the state's penetration leads to the destruction, co-option or subjugation of local social and the state's domination. The theory also explains that other draconian means may nullify or destroy local-dominating social forces.

Even though remaining and newly-formed social forces contest the state for inclusive policies along with the support of the Tamil diaspora. However, these powerless forces cannot influence the state. This situation has been ignored by state-in-society theory. In this situation, the international community can intervene into the state and should have insisted that the state introduce inclusive policies to avoid another major contestation. Unfortunately, the international community did not employ skilfully the violation of international laws during the last stage of the war and intervene in Sri Lanka. The international community failed to safeguard the weakened minority. Therefore, state-in-society theory should analyse the process of state and society relations in the post-civil war states.

7.4.2   Empirical Contribution

The second contribution to the literature of this study is empirical in nature. This study examines how the state and minority transform and reconstitute each other in the Sri Lankan context, particularly after the July 1983 programme against the Tamils. It contributes to existing knowledge by studying latest process of failure of the militant social forces and causes for its defeat as a result of the national and international political development, which took place after the September 11, 2001 attack on targeted areas in the United States. This study also attempts to determine the lessons learned by the state, society and international community through the long decades of conflict and destructive civil war. The state should have learned proper lessons from the civil war that ended in 2009 and should have introduced inclusive policies to incorporate minorities into the state system to avoid further major contestation. However, this situation is not true in Sri Lanka. This study contributes empirically by determining the latest political phenomena

in the Sri Lankan politics by studying and understanding the reasons for the reluctance of the state in introducing inclusive policies in the post-civil war context.

7.5   Recommendation

The analysis of the situation and understanding of the implications of existing research led the author to suggest a possible way forward. Recommendations to key categories of state (elites and policy makers), society (minorities) and international community are proposed in the next sub-sections.

7.5.1   State (Elites and Policy Makers)

This study finds the lack of consensus amongst elites of the majority and minorities to be a major challenge in reconstituting a unitary strong state, which is the root course of the ethnic conflict. This study suggests elites of all ethnic communities should come to a common consensus on the matter of essentiality for state reconstitution and determine a resolution to the national question of the state. This study also elaborates that majoritarian elites had introduced policies in favour of the majority Sinhalese and were involved in a propaganda against Tamil minorities for the purpose of electoral victory from the later part of the 1940s to date. Therefore, the elites of the majority community should work to develop and gain the trust of the Sinhalese and introduce inclusive policies to avoid further contestation.

Policy makers should consider inclusive policies to address minority grievances and avoid exclusion of minorities in any of the reconciliation initiatives to avoid further contestation for power. Furthermore, the state should also strengthen its actual practice of bureaucracy to form and implement inclusive policies.

7.5.2   Society (Minorities)

The findings of this study show most of the ethnic minority parties, with the exception of one or two, have come to accept the policy shift created by the pro-majoritarian state in the post-independent politics, particularly in the post-civil war era. These selfish activities can only lead to devolution only within a unitary state. The signs also lead the author to believe that any form of devolution can only be operated under the tight scrutiny of the Centre (Ex. 18th Amendment to the constitution). Many ethnic minority political elites have opted to join or support the pro-majoritarian rulers as beneficiaries of a Centre-driven state apparatus; therefore, this study suggests that Tamil and Muslim elites should not support discriminatory policies and centralisation of state power in the future.

7.5.3   International Community

The state should focus highly on a comprehensive mechanism to incorporate all parties concerned including the Tamil diaspora in the reconciliation process. When studying state and minority contestations in Sri Lanka, the Tamil diaspora is an existing social force in their respective host countries. The wealthy Tamil diaspora formed a TGTE in the post-LTTE era, and presently has increased capacity to the extent of challenging the state of Sri Lanka and convincing the international community to adopt UNHRC resolutions on alleged war crime investigations and other added pressures. Nevertheless, unlike the LTTE, the Tamil diaspora has lesser impact on the state of Sri Lanka. In any case, the Tamil diaspora sponsors international pressure, which is instrumental to the new constitutional formation project. These activities increased the fear and insecurity of the majority elites and the public based on the assumption of threat due to the existence of a huge Tamil population in neighbouring South India and a significant Tamil population in Malaysia and Singapore, who could lend strength to the TGTE and undermine the

sovereignty of the Sinhalese with a resultant separate state in the North and East. During this time, reconciliation is needed between the government and the Tamil diaspora as a matter of inclusive political solution. The national government has conducted some initiatives to reconcile with the diaspora, which requires a comprehensive mechanism.

Both parties (state and diaspora) can compromise for the betterment of the state and society.

The international community should facilitate a comprehensive framework for pro-active support to ensure the embarkation of initiatives for reconstitution of the state including India and all like-minded countries in favour of an inclusive approach. A clear structure of devolution of power policies is necessary to address all regions based on ethnic diversity. An International Support Group of eminent personalities can be established; in their specialised capacities, members of this group can provide assistance via technical support and monitoring on the latest process.

7.6   Limitations and Further Study

A similar type of contestation for power domination has taken place in many countries, such as South Africa, Sudan and Northern Ireland, and amicable solutions have been reached through inclusive mechanism. A comparative study of these countries within the Sri Lankan context will provide insights into the application of suitable policies and mechanism for avoiding future contestation in Sri Lanka. This work can be important because the state, society and international community have participated in the process and can bring suitable experience sharing to Sri Lanka.

This study does not focus on Muslims and Sinhalese minorities who are living substantially in the Northern and Eastern provinces where the larger Tamil minority group

demands a federal solution with the support of the international community. Therefore, additional work on these Muslims and Sinhalese are needed. Further, Muslims and Christian minorities are targeted vehemently by the Majority Buddhist nationalists in the post-civil war politics of Sri Lanka, it is also accountable.

Malayaha (Upcountry or Indian Tamils) Tamils are another considerable community living in Sri Lanka, whose grievances and stand point in the state reconstitution require further study. They are an economically and socially vulnerable people, and their democratic rights have been denied for numerous decades.

7.7   Summary

The research concludes that the militant social forces can be one of the major social forces in the study of how state and society transform and constitute each other. State transformed the minority (part of society) through the introduction of policies of exclusion (image), which convinced the minority to form militant social forces for constituting a new state. Using the conceptual framework based on state-in-society theory, this research finds that militant social force (LTTE) is a key actor in fighting against the state in behalf of the society during the state and society contestations. Militant social forces can challenge the image (rule-making capacity) and actual practices (state actors and agencies) of the state in a political arena. These militant social forces can attempt to transform the state to achieve its basic goal of a separate state. State has been found to penetrate into society and defeat militant social forces. As a result, society transforms into a weak society, whereas state transforms into a strong state. State, society and the international community can learn several lessons from the end of civil war, which was a consequence of the state–minority contestations. However, the strong state would introduce policies to continue to consolidate its power and control minorities. In this

juncture, the state reintroduced policies of exclusion and transformed society into a weak one.

During state penetration and defeat of militant social forces via counterinsurgency strategy because of the influence of local and international factors, international humanitarian and human rights law can be violated by the state and the militant forces. Unfortunately, the international community failed to avoid humanitarian violation during the final stage of the civil war and to intervene during the humanitarian crisis. The state would not introduce inclusive policies without the challenges/influence of militant social force and because of other identified reasons.

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